SAN FRANCISCO PUBLIC LIBRARY
3 1223 06257 1907
SAN FRANCISCO PUBLIC LIBRARY
3 1223 06257 1915

5/S

San Francisco Public Library

GOVERNMENT INFORMATION CENTER
SAN FRANCISCO PUBLIC LIBRARY

REFERENCE BOOK

Not to be taken from the Library

AGM-1094; AGM-1100

SAN FRANCISCO ARTS COMMISSION

STREET ARTISTS PROGRAM COMMITTEE

AGENDAS AND MINUTES

1993 – 1994

3 1223 06257 1915

3 1223 06257 1907

City and County of
San Francisco

THE ARTS
COMMISSION
OF SAN FRANCISCO

25 Van Ness Avenue
Suite 240
San Francisco, Ca 94102

SF
A70.75
#2
1/20/93

STREET ARTISTS PROGRAM COMMITTEE

Wednesday, January 20, 1993
4:00 p.m.

Art Commission Conference Room
25 Van Ness Avenue
Suite 70
San Francisco, California

DOCUMENTS DEPT.
JAN 20 1993
SAN FRANCISCO
PUBLIC LIBRARY

A G E N D A

I AUTHORIZATION FOR ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS AND ART COMMISSION GALLERY DIRECTOR TO SCREEN THE ARTS AND CRAFTS OF STREET ARTISTS FOR ONGOING EXHIBIT PROGRAM IN GALLERY

II DISCUSSION ON PROGRAM DIRECTOR'S REPORT ON ART COMMISSION'S AUTHORITY IN ADMINISTERING STREET ARTIST ORDINANCE

III HEARING ON PROPOSALS FOR POLICY ON PRIORITY ISSUANCE OF CERTIFICATE

IV REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. **Joan Lavin** - Certificate #2984 expired December 5, 1992; Ms. Lavin's request was received January 4, 1993.

V NEW BUSINESS

2 48543 SFPL: ECONO JRS
133 SFPL 09/27/02 11

SF Arts Commission

DOCUMENTS DEPT
JAN 27 1993
SAN FRANCISCO
PUBLIC LIBRARY

City and County
of San Francisco

THE ARTS
COMMISSION
OF SAN FRANCISCO

25 Van Ness Avenue
Suite 240
San Francisco, CA
94102

F
70.75
#1
1/20/93

STREET ARTISTS PROGRAM COMMITTEE

January 20, 1993
Art Commission Conference Room
Suite 70
25 Van Ness Avenue
San Francisco, California

Minutes

Commissioners present: Aristides Demetrios, Terri Simon

Commissioners absent: Genny Lim, Liza Zenni

Commissioner Demetrios, Chairman, adjourned the meeting due to a lack of quorum but stated that he would stay to discuss any items relevant to street artist business.

DISCUSSION ON ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS AND ART COMMISSION GALLERY DIRECTOR SCREENING THE ARTS AND CRAFTS OF STREET ARTISTS FOR ONGOING EXHIBIT PROGRAM IN GALLERY. Art Commission Gallery Director Jason Tannen informed the Commissioners that Street Artists Program Director Howard Lazar and he had discussed the possibility of a four-week exhibit at the Gallery of street artists' crafts, each week featuring four to five artists. It could be a "temporary store" showcasing arts and crafts that may not necessarily be displayed on the streets. It could be a genesis for a future permanent "store" at the Gallery, which could provide a source of revenue as well as people - the artists - to watch the Gallery and keep its doors open. At present, due to budget cutbacks, the Gallery is open only two days a week. The "store" would be an additional attraction to pull passersby into the Gallery. Mr. Tannen said that the four-week project could commence June 10th.

Commissioners Demetrios and Simon said that at the next full Commission meeting, they would ask the Commissioners to authorize the Advisory Committee of Street Artists and Craftsmen Examiners and the Gallery Director to screen the arts and crafts of street artists for an ongoing exhibit in the Gallery.

PROGRAM DIRECTOR'S REPORT ON ART COMMISSION'S AUTHORITY IN ADMINISTERING STREET ARTIST ORDINANCE. Street Artist E. J. Khazzoom told the Commissioners that she wanted to see more handcraftsmanship in the beadcraft sold on the streets. She added that she felt "beadcraft" was not a craft. While she uses commercially-manufactured beads in her necklaces, she makes own pendants - the dominant object - out of ceramic. If "beadcraft" should be deleted from the Program, she said, there should be a time period allowed before it is enforced.

Commissioner Simon stated that, after reading Program Director

Lazar's report, she did not feel that the Art Commission could legally delete a craft from its licensing but does have the power to modify its criteria for the craft in order to ensure more creativity. At present, she said, policing the current criteria is a problem; added to this, is the problem of policing persons who do not even have a license to sell what they are selling.

Street Artist Robert Clark clarified that there is a fine line between "handmade" and "hand-assembled." For example, a necklace composed entirely of commercially manufactured beads, whose arrangement may be conceived by the beadstringer, is not "handmade" but "hand-assembled." Its components were manufactured solely for the purpose of being strung together. On the other hand, an item could incorporate such components but would be considered "handmade" if it also incorporated components made entirely by the artist, or if it contained components that were not manufactured for the purpose of being used in the item - as, for example, found objects strung in the necklace.

Commissioner Simon said she attended a screening of the Advisory Committee of Street Artists and Craftsmen Examiners and saw the Committee giving a strict review of beaded items submitted to them and did not allow many of these items. The problem is that some licensees have gotten away with selling the disapproved items.

Ms. Khazzoom said the Commission should define its beadcraft criteria in such a way as to ensure that people use materials creatively.

Commissioner Demetrios stated that his mother, who had operated a crafts studio of many artists in Massachusetts, had a rule: each artist had to produce something new every year.

Mr. Clark stated that, after discussion with the Program Director, he found that what Mr. Lazar wants is an easier way to enforce the work being sold on the streets: it should be apparent to anyone - staffperson or the public - that an item is distinctive and "different" from everyone else's because it incorporates the artist's own handcrafted components.

He went on to say that there is much imported jewelry on the streets that is forcing the hard-working artists off the streets. He said that "we want to get that out of the Program without hurting the people who may be starting out at a lower level trying to progress and develop" their craft.

Ms. Khazzoom said she is impressed with the quality of work shown by the new street artists; "the tone of the Program," she said, "affects us all."

Street Artist William Clark stated that what his brother Robert, Program Director Lazar, and he were trying to do is actually make the criteria simple.

Commissioner Simon said that when she went out to visit the street artists with Mr. Lazar, she observed that he knew every artist and his or her work; he would therefore be able to know right away who would qualify or not qualify under new criteria.

Ms. Khazzoom said that the Program Director needed new language in the criteria "to get those earrings off the street."

Mr. William Clark stated that there is a willingness among the artists to police themselves to some degree. If someone sees something illegal being sold by someone in the group, a telephone call to Mr. Lazar could result in an investigation of the work. Mr. Clark went on to say that he had opposed the Art Commission's past allowances of time periods for artists to comply with new criteria because it allowed people who did not handcraft their work to continue to hurt those who did. However, if the Commission were to adopt a sixty-day period for artists to comply, he would accept it because it would show that the Commission was not trying to put anyone out of business.

Commissioner Demetrios said that his colleagues and he are new Commissioners who take their job seriously, and that the way they can help to improve matters is to talk with and listen to the artists. If a proposal were drafted, he would send it out to all the artists to get a reaction. There would then be another hearing to determine what is fair to everyone - the artists, as well as the people of the city and county of San Francisco.

He went on to say that "the imprint of the artist's eye is the decision, the reason he chooses this over that gives an exclusively crafted thing that no other sensibility can ... That's unique ..." and cannot be found in the stores.

Ms. Khazzoom stated that she has returning customers who come to San Francisco and buy first from her and then from the stores. However, she said, when she entered the Program nine years ago, her work was mediocre. It then grew in the Program: "I never could have done it in any other setting ... Some of us design things and get copied elsewhere." If the Program could be cleaned up where there are really <u>artists</u> on the streets, the

Program would be an asset to the store merchants. She felt that this was the main reason "we should clean ourselves up."

Commissioner Demetrios said there are ways to improve the criteria. One way is to design the perameters of each craft. Another way is to generalize what "good craft" is all about; not all the crafts on the streets may fit what is defined as a "good craft."

Mr. William Clark said that the dictionary's definition of "art" and "craft" includes the word "skill." He added that "when you look at something, you know if there's some skill involved or not." He proposed that the Commission eventually consider one category for "jewelry," rather than the present categories of "beadcraft," "cast jewelry," "fabricated jewelry."

Mr. Robert Clark said that, by law, the Commission cannot judge street art on the basis of "quality," but that the question really isn't about "quality" but whether an item is "handcrafted" or not.

Commissioner Demetrios stated that what the Commission defines today may have to be revised in a couple of years. "Whenever you deal with the arts, once you try to pin it down and get it on a piece of paper, you're doomed ... We have to have an on-going dialogue about what it is."

Commissioner Simon noted that, according to the street artist ordinance, a street artist may sell only a handcrafted item when it is "predominantly created or significantly altered by the street artist."

In response to this, Mr. Robert Clark said that what has happened is that many licensees have taken a commercially manufactured pendant and added some beads to it and have said that this represents "significantly" altering the pendant. Added to this problem is that this type of licensee is able to take a space on the street, edging out someone who handcrafts his or her own work. When the Program started, he said, the concept was that an artist required three or four days in his workshop to make his craft; he wouldn't be able to be out selling seven days a week. Everyone would, therefore, have an opportunity to sell in the limited number of designated spaces. However, through the years, because more and more of the "quasi-craft items" have been allowed to be sold, there are 50 to 100 licensees who do not have to be in their studios to make their craft but can sell it seven days a week. For every lottery of spaces attended by, for example, 150 artists, twenty or thirty of the borderline-craft

licensees are able to obtain all the prime selling spaces more often than the other craftspeople. That is why when a person walks down the street, what he or she sees being sold looks like the same item sold every day even though the faces may change. The new licensees, who do spend three or four days in their workshops, come down to the lottery once or twice a week and have to compete every time with the group of twenty to thirty licensees whose "craft" allows them to sell seven days a week. "It's very rare when you can get the best of the prime locations because there is always this group which monopolizes" the lottery.

Mr. Clark acknowledged that, at present, the Advisory Committee had turned away applicants for licenses because the Committee did not feel that the items shown were handcrafted. The Committee, backed up by the Commission, could apply this discernment to the wares of all current licensees.

Discussion ended at 5:21 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

SF
A70.75
#2
2/24/93

SF Arts Commission

DOCUMENTS DEPT.
FEB 18 1993
SAN FRANCISCO
PUBLIC LIBRARY

City and County
of San Francisco

THE ARTS
COMMISSION
OF SAN FRANCISCO

25 Van Ness Avenue
Suite 240
San Francisco, CA
94102

(415) 554-9671
(415) 621-3868 FAX

STREET ARTISTS PROGRAM COMMITTEE

Wednesday, February 24, 1993
4:00 p.m.
Art Commission Conference Room
25 Van Ness Avenue
Suite 70 (basement area)
San Francisco, California

A G E N D A

I HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. **John Hulton - Certificate # 4311.** Alleged violations: (1) Displaying items not of the artist's own creation (feather earrings; rings; pendants) - 9/4, 10/23, 12/23/92; (2) Selling without a certificate - 9/4/92.

B. **Tamar Sarkissoff - Certificate # 3506.** Alleged violation: Selling in a location (Geary Street) not designated by Board of Supervisors - 12/18/92.

C. **David Jones - Certificate # 4052.** Alleged violation: Selling in a space ("Geary 6") obtained by another artist through the lottery (violation of Section 2406(h), Ord. 41-83) - 12/18/92.

D. **Juana Andrango - Certificate # 4170.** Alleged violations: (1) Selling in a location (Stockton St., O'Farrell to Market) not designated by Board of Supervisors; (2) Selling while under suspension of certificate - 12/18/92.

E. **Abraham Pando - Certificate # 4281.** Alleged violation: Selling in a location (Stockton St., O'Farrell to Market) not designated by Board of Supervisors - 12/18/92.

II (FROM PROGRAM DIRECTOR) DISCUSSION REGARDING ART COMMISSION RESOLUTION NO. 1982-206 (ADOPTED JULY 12, 1982) AUTHORIZING DIRECTOR OF CULTURAL AFFAIRS TO MAKE ART COMMISSION OFFICE AVAILABLE TO SUPPORT EFFORTS OF STREET PERFORMERS, POLICE, AND MERCHANTS TO RESOLVE THE PROBLEM OF STREET PERFORMER SIDEWALK CONGESTION IN FISHERMAN'S WHARF AREA; ART COMMISSION RESPONSIBILITY FOR PRINTING AND DISTRICUTING "GUIDELINES FOR SIDEWALK PERFORMING"

III NEW BUSINESS

MAYOR
Frank M. Jordan

COMMISSIONERS

Anne Healy
President

John Kriken
Vice President

Nancy Bechtle
Aristides Demetrios
Alonzo King
Willis Kirk
Robert F. LaRocca
Genny Lim
Rol Y. Okamoto
Dodie Rosekrans
Terri Simon
Liza Zenni

EX OFFICIO MEMBERS
Presidents of the
Fine Arts Museums
Library Commission,
Planning Commission,
Recreation and Park
Commission

DIRECTOR OF
CULTURAL AFFAIRS
Joanne Chow Winship

PROGRAMS
ArtHouse
Civic Art Collection
Civic Design Review
Community Arts
and Education
POPS Concerts
Public Art Program

Street Artists Licenses
Suite 70
(415) 554-9677

Gallery
155 Grove Street
(415) 554-9682

City and County
of San Francisco

THE ARTS
COMMISSION
OF SAN FRANCISCO

25 Van Ness Avenue
Suite 240
San Francisco, CA
94102

(415) 554-9671
(415) 621-3868 FAX

PROGRAMS
Civic Art Collection
Civic Design Review
Community Arts
and Education
POPS Concerts
Public Art Program

Street Artists Licenses
Suite 70
(415) 554-9677

Gallery
155 Grove Street
(415) 554-9682

Art House
Fort Mason Center
Building C
San Francisco, CA
94123-1382
(415) 885-1194

SAN FRANCISCO ART COMMISSION
ACCESSIBLE MEETING POLICY

1. Full Commission Meetings, and individual Committee Meetings of the Art Commission will be held at 25 Van Ness Avenue, Suite 70, San Francisco, CA. Twenty Five Van Ness is located on the corner of Oak and Van Ness. Suite 70, basement level, can be accessed by the two main elevators in the lobby of the building.

2. The closest accessible BART Station is the Civic Center Station located at the intersection of Market, Hyde and Grove Street. Accessible MUNI Metro lines serving this location are the J,K,L,M, and N which stop at Van Ness Avenue and Market Street, one-half block from the Art Commission offices. Accessible MUNI lines serving the corner of Van Ness and Market are 9,26,and 42. for more information regarding MUNI accessible services, please call (415) 923-6142.

3. American sign language interpreters and/or a sound enhancement system will be available upon request at meetings. Please contact Sonia Gray in the Community Arts and Education Program at (415) 554-9671 at least 72 hours prior to meeting. Late requests will be honored in possible.

4. To allow individuals with environmental illness or multiple chemical sensitivity to attend any meetings, individuals are requested to refrain from wearing perfume or other scented products.

5. Accessible curbside parking has been designated on Oak Street between Van Ness Avenue and Franklin Street.

6. Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

City and County of
San Francisco

THE ARTS
COMMISSION
OF SAN FRANCISCO

25 Van Ness Avenue
Suite 240
San Francisco, Ca 94102

SF
A70.75
#1
2/24/93

DOCUMENTS DEPT.
MAR 15 1993
SAN FRANCISCO
PUBLIC LIBRARY

STREET ARTISTS PROGRAM COMMITTEE

February 24, 1993
Art Commission Conference Room
Suite 70
25 Van Ness Avenue
San Francisco, California

M I N U T E S

Commissioners present: Terri Simon, Nancy Bechtle, Liza Zenni

Commissioners absent: Aristides Demetrios

Staff present: Director of Street Artists Program Howard Lazar

Commissioner Simon acted as Chairperson, called the meeting to order at 4:00 p.m., and welcomed Commissioner Bechtle to the Committee.

I HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. **John Hulton - Certificate # 4311.** Alleged violations: (1) displaying items not of the artist's own creation feather earrings; rings; pendants) - 9/4, 12/23/92; (2) selling without a certificate - 9/4/92; (3) selling in an illegal location - 9/4/92.

Program Director Lazar presented his report and photos of alleged violations. In addition, he submitted an earlier written complaint and photos of Mr. Hulton's activities submitted by street artist John Bass on March 23, 1992. By the time the Street Artists Program Committee was able to schedule a hearing on the complaint, Mr. Hulton had let his certificate expire, and no action could be taken. He received a new certificate on October 7, 1992. Prior to this, however, the Program Director on September 4, 1992 found him selling commercially manufactured merchandise in an illegal public location and without a license. On December 23, 1992, Mr. Hulton was again found selling merchandise not of his own creation.

The Commissioners reviewed the evidence and noted that the Art Commission's "Hearing Procedure of Street Artist Violations" provided that, in the event an artist fails to appear at his/her hearing, the Committee may recommend the penalties for the violations for which the artist has been charged, and that this was stated in the Program's notice of hearing sent to Mr. Hulton.

Commissioner Zenni moved that it be recommended that John Hulton be found in violation of the street artist ordin-

ance by displaying items not of the artist's own creation, selling in an illegal location, and selling without a certificate, and that Mr. Hulton's certificate be suspended for a period of two months and three weeks commencing July 1, 1993; the motion was seconded by Commissioner Bechtle and unanimously approved.

B. **Tamar Sarkissoff - Certificate # 3506.** Alleged violation: selling in a location (Geary Street) not designated by Board of Supervisors - 12/18/92. The Program Director presented his report and photo of the alleged violation.

Ms. Sarkissoff stated that, on the day of the incident, she obtained a legal selling space on Grant Avenue but decided to occupy a former temporary Christmas space on Geary Street for better business. When Mr. Lazar appeared and told her she was in violation, she said she knew she was wrong but that it was Christmas and there had been a lot of rain. After he left, she packed up and went back to her Grant Avenue space.

Commissioner Zenni moved that it be recommended that Tamar Sarkissoff be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Ms. Sarkissoff's certificate be suspended for a period of three weeks commencing July 1, 1993; the motion was seconded by Commissioner Bechtle and unanimously approved.

D. **David Jones - Certificate # 4052.** Alleged violation: selling in a space ("Geary 6") obtained by another artist through the lottery - 12/18/92.The Program Director presented his report and photo of the alleged violation and stated that on the day of the incident he found that the rightful "owner" (through the street artist lkottery) of selling space "Geary 6" was Robert Turcotte who told him that Mr. Jones had refused to vacate the space.

Mr. Turcotte testified that it was not correct that Mr. Jones had refused to leave because he, Mr. Turcotte, had not asked him to do so. Mr. Jones, he said, knew that on some occasions Mr. Turcotte had not shown up to occupy his space. If there was going to be a suspension, he should share it with Mr. Jones. He added that Mr. Lazar had previously informed the artists at the lottery that the Commission and he would be looking for strict adherance to the rules during the Christmas season and that he had made himself very clear about the rules.

Mr. Jones stated that last year he had sold on Geary Street three hundred times and had watched people selling illegally next to him. This was the first time, he said, that he set up illegally and was penalized for it. He said that he and Mr. Turcotte were "more or less" selling in the same space.

Commissioner Bechtle moved that it be recommended that David Jones and Robert Turcotte be found in violation of the street artist ordinance by exceeding the display length regulation, and that Mr. Jones' and Mr. Turcotte's certificates be suspended for a period of one week commencing July 1, 1993; the motion was seconded by Commissioner Zenni and unanimously approved.

C. **Juana Andrango - Certificate # 4170.** Alleged violations: (1) selling in a location (Stockton Street, O'Farrell to Market) not designated by the Board of Supervisors, second offense; (2) selling while under suspension of certificate - 12/18/92. The Program Director presented his report and photo of the alleged violations and stated that on September 2, 1992, the Art Commission found that Ms. Andrango had violated the street artist ordinance by (1) selling in an illegal location, (2) displaying items not of her own creation, and (3) displaying items not certified by the Art Commission, and suspended her certificate from September 17, 1992 through January 14, 1993.

Ms. Andrango said that she was selling because she had no other job and needed the money.

Street artist Diana Manley testified that on the day of the incident, she saw Ms. Andrango set up in front of The Emporium, and that she told Ms. Manley that her (Ms. Andrango's) items were from Guatemala.

Commissioner Zenni moved that it be recommended that Juana Andrango be found in violation of the street artist ordinance by selling in an illegal location, second offense, and selling while under suspension of certificate, and that Ms. Andrango's certificate be suspended for a period of three months and two weeks commencing July 1, 1993; the motion was seconded by Commissioner Bechtle and unanimously approved.

D. **Abraham Pando - Certificate # 4281.** Alleged violation: selling in a location (Stockton Street, O'Farrell to Mar-

ket) not designated by the Board of Supervisors - 12/18/92. Program Director Lazar presented his report and photo of the alleged violation. Mr. Pando was not present. It was noted that, according to the Art Commission's "Hearing Procedure of Street Artist Violations," in the event an artist fails to appear at his/her hearing, the Program Committee may give a recommendation of the penalty for the violation for which the artist has been charged, and that this was stated in the Program's notice of hearing mailed to Mr. Pando.

Commissioner Zenni moved that it be recommended that Abraham Pando be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Mr. Pando's certificate be suspended for a period of three weeks commencing July 1, 1993; the motion was seconded by Commissioner Bechtle and unanimously approved.

II **DISCUSSION REGARDING ART COMMISSION RESOLUTION NO. 1982-206 (ADOPTED JULY 12, 1982) AUTHORIZING DIRECTOR OF CULTURAL AFFAIRS TO MAKE ART COMMISSION OFFICE AVAILABLE TO SUPPORT EFFORTS OF STREET PERFORMERS, POLICE, AND MERCHANTS TO RESOLVE THE PROBLEM OF STREET PERFORMER SIDEWALK CONGESTION IN FISHERMAN'S WHARF AREA**

Program Director Lazar explained how the Art Commission in 1982 held a hearing to try to legitimize the street performers and that the performers protested against any proposal to license, regulate, or restrict them to legal spaces. On their own, they negotiated with the Police and drafted a list of "Guidelines for Sidewalk Performing" which was reviewed by the City Attorney's office. The Art Commission passed a resolution to hand out the guidelines to performers as a courtesy to the performers and the community. Eleven years later, the Commission's Street Artists Program was still handing out the guidelines and receiving no remuneration for the costs of their printing and staff time in answering performers' questions. Also, in recent years, some performers were seeking advice on how a licensing procedure could be established to lend order to the chaos and sometimes violence among performers struggling with each other for spaces and drowning each other out with their "music."

At the same time, many merchants have complained to Mr. Lazar about the disruptive activities of the performers. In addition, he himself had observed the sidewalk congestion

and public safety hazards caused by many performers at the Wharf.

Ms. Lynn Valente of the Greater Market Street Development Association stated that her organization wanted to help the Art Commission with the performers problem, that her group did not want to see street music removed but that there should be an ordinance passed, making the performers subject to rules similar to those of the street artists, as well as rules governing decibel levels and the duration of time in which a performer may occupy one location. She added that her Association wanted to start on this project immediately and wanted to see a self-supporting program like the Street Artists Program.

Commissioner Zenni stated that Ms. Valente's Association should spearhead the project, that the Art Commission, whose duties were now extremely full, could not take on the project.

III NEW BUSINESS

Castro Street spaces. Street Artist Diana Manley stated that the temporary Christmas spaces at Harvey Milk Plaza for the artists were expiring, and she wanted to see spaces on the upper level of the Plaza, now occupied by non-profit solicitors, to be designated for street artist usage. She will draw and submit a map to the Program Committee.

Number of street artist licensees. Street Artist Larry Rosenbloom asked that the Art Commission reduce the number of street artist licensees by not screening and certifying the present rate of newcomers, in order to allow for a better opportunity in the lotteries to obtain selling spaces. He invited the Commissioners to come to a Saturday lottery and see how many artists participate for too few prime spaces.

Special Law Enforcement Services at Christmas. Street Artist Virginia Burris objected to the use of street artist fees paid to Police officers to confiscate the merchandise of non-street artist vendors during the last Christmas season. She objected on the grounds that it was not within the Art Commission's jurisdiction to have done so. Program Director Lazar responded by quoting passages of the street artist ordinance which discuss the unlawfulness of any person selling without either a street artist license or a peddler's license (issued by the Police) and also provide

for the street artist fees to pay for Police for the purpose of enforcing the ordinance.

The Committee acknowledged a recently received letter from Vice President and General Manager Jon S. Handlery of The Handlery Union Square Hotel, commending the "members of the Street Artists Program on the special law enforcement service in Union Square this past December" which "was greatly appreciated by street vendors and local businesses alike."

The meeting adjourned at 6:15 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

SF
A70.75
#2
3/10/93

City and County of
San Francisco

THE ARTS
COMMISSION
OF SAN FRANCISCO

25 Van Ness Avenue
Suite 240
San Francisco, Ca 94102

DOCUMENTS DEPT.
MAR 08 1993
SAN FRANCISCO
PUBLIC LIBRARY

STREET ARTISTS PROGRAM COMMITTEE

Wednesday, March 10, 1993
4:00 p.m.
Art Commission Conference Room
25 Van Ness Avenue
Suite 70 (basement area)
San Francisco, California

A G E N D A

I HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. **Chao Ju Chang - Certificate # 3180.** Alleged violation: Selling in a location (Sansome Street, Sutter to Bush) not designated by Board of Supervisors - 12/18/92.

B. **Vadim Cherner - Certificate # 4153.** Alleged violation: Selling in a location (Sansome Street, Sutter to Bush) not designated by Board of Supervisors - 12/18/92.

C. **Joe Russo - Certificate # 4164.** Alleged violation: Selling in a location (Sansome Street, Sutter to Bush) not designated by Board of Supervisors - 12/18/92.

D. **John Dobson - Certificate # 4309.** Alleged violations: (1) Selling in a location (Sansome Street, Sutter to Bush) not designated by Board of Supervisors - 12/18/92; (2) Improper conduct of business (verbal harrassment/ interference with another artist's business) - 12/23, 12/24/92.

E. **Gerri McGillicuddy - Certificate # 3326.** Alleged violations: (1) Selling in a location (Stockton Street, west side, O'Farrell to Market) not designated by Board of Supervisors - 12/23/92; (2) Exceeding display size regulation - 12/23/92.

II REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. **Lucinda Page - Certificate # 4313** expired 1/15/93; her request for priority was received by office 2/24/93.

B. **Enrique Perez - Certificate # 3421** expired 2/9/93; his request for priority was received by office 3/1/93.

C. **William Kaufman - Certificate # 1778** expired 2/5/93; his request was received by office 3/1/93.

III NEW BUSINESS

City and County
of San Francisco

THE ARTS
COMMISSION
OF SAN FRANCISCO

25 Van Ness Avenue
Suite 240
San Francisco, CA
94102

(415) 554-9671
(415) 621-3868 FAX

PROGRAMS
Civic Art Collection
Civic Design Review
Community Arts
and Education
POPS Concerts
Public Art Program

Street Artists Licenses
Suite 70
(415) 554-9677

Gallery
155 Grove Street
(415) 554-9682

Art House
Fort Mason Center
Building C
San Francisco, CA
94123-1382
(415) 885-1194

SAN FRANCISCO ART COMMISSION
ACCESSIBLE MEETING POLICY

1. Full Commission Meetings, and individual Committee Meetings of the Art Commission will be held at 25 Van Ness Avenue, Suite 70, San Francisco, CA. Twenty Five Van Ness is located on the corner of Oak and Van Ness. Suite 70, basement level, can be accessed by the two main elevators in the lobby of the building.

2. The closest accessible BART Station is the Civic Center Station located at the intersection of Market, Hyde and Grove Street. Accessible MUNI Metro lines serving this location are the J,K,L,M, and N which stop at Van Ness Avenue and Market Street, one-half block from the Art Commission offices. Accessible MUNI lines serving the corner of Van Ness and Market are 9,26,and 42. for more information regarding MUNI accessible services, please call (415) 923-6142.

3. American sign language interpreters and/or a sound enhancement system will be available upon request at meetings. Please contact Sonia Gray in the Community Arts and Education Program at (415) 554-9671 at least 72 hours prior to meeting. Late requests will be honored in possible.

4. To allow individuals with environmental illness or multiple chemical sensitivity to attend any meetings, individuals are requested to refrain from wearing perfume or other scented products.

5. Accessible curbside parking has been designated on Oak Street between Van Ness Avenue and Franklin Street.

6. Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

SF
A70.75
#1
3/10/93

City and County
of San Francisco

THE ARTS
COMMISSION
OF SAN FRANCISCO

25 Van Ness Avenue
Suite 240
San Francisco, CA
94102

(415) 554-9671
(415) 621-3868 FAX

DOCUMENTS DEPT.
APR - 1 1993
SAN FRANCISCO
PUBLIC LIBRARY

STREET ARTISTS PROGRAM COMMITTEE

March 10, 1993
Art Commission Conference Room
25 Van Ness Avenue
Suite 70
San Francisco, California

M I N U T E S

Commissioners present: Aristides Demetrios, Nancy Bechtle, Terri Simon, Liza Zenni

Staff present: Director of Street Artists Program Howard Lazar
Certification Clerk Antoinette Butt

Commissioner Demetrios, Chairman, called the meeting to order at 4:00 p.m.

I AMENDMENT TO SUSPENSIONS RECOMMENDED AT 2/24/93 MEETING

Program Director Lazar reported that he had received clarification from the City Attorney's office that the Art Commission at the present time could not make a suspension period for a street artist violation commence at any time other than fifteen days after the Art Commission's resolution. This is because the Commission's "Hearing Procedure" states that any suspension or revocation commences two weeks after the Commission's resolution, and currently there is no provision for a suspension to begin, for example, a few months from now in the summer. To do so, the Commission would have to amend its "Hearing Procedure" to allow for a suspension to be set for a later time. The Program Director said that, for the next Program Committee meeting, he would submit an amendment that would allow the Commission to set a suspension period for any time within one year of the Commission's resolution.

Commissioner Zenni moved that the recommendations of suspension periods made at the meeting of February 24, 1993 for violations of the street artist ordinance committed by John Hulton, Tamar Sarkissoff, David Jones, Robert Turcotte, Juana Andrango, and Abraham Pando be amended by deleting the words "commencing July 1, 1993"; the motion was seconded by Commissioner Simon and unanimously approved.

II REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. **Lucinda Page - Certificate # 4313** expired 1/15/93; Ms. Page's request for priority was received by the Program office on 2/24/93. Commissioner Simon moved that Ms.

Page's request be approved; the motion was seconded by Commissioner Zenni and unanimously approved.

B. **Enrique Perez - Certificate # 3421** expired 2/9/93; Mr. Perez's request was received by the Program office on 3/1/93. Commissioner Simon moved that Mr. Perez's request be approved; the motion was seconded by Commissioner Zenni and unanimously approved.

C. **William Kaufman - Certificate # 1778** expired 2/5/93; Mr. Kaufman's request was received by the Program office on 3/1/93. Commissioner Simon moved that Mr. Kaufman's request be approved; the motion was seconded by Commissioner Zenni and unanimously approved.

D. **Tokunbo Howard - Certificate # 3752** expired 2/9/93; Ms. Howard's request was received by the Program office on 3/8/93. Commissioner Simon moved that Ms. Howard's request be approved; the motion was seconded by Commissioner Zenni and unanimously approved.

E. **Patsy Leal-Snell - Certificate # 4327** expired 2/3/93; Ms. Leal-Snell's request was received by the Program office on 3/1/93. Commissioner Simon moved that Ms. Leal-Snell's request be approved; the motion was seconded by Commissioner Zenni and unanimously approved.

F. **Rafael Mendoza - Certificate # 4041** expired 10/25/92; Mr. Mendoza's request was received by the Program office on 3/8/93. Mr. Mendoza, through an interpreter, stated that he was incarcerated at the San Bruno jail from October 24 to December, 1992, when his certificate expired. After being released, he became quite ill and had no money to support himself or his family in Peru. Now that he was feeling better, he wanted to work; he said he would sell only that which had been approved previously for him to sell: his woven-name bracelets.

Commissioner Bechtle moved that Mr. Mendoza's request be approved; the motion was seconded by Commissioner Simon and unanimously approved.

Commissioner Bechtle moved that an examination of Mr. Mendoza's previously approved woven-name bracelets be waived; the motion was seconded by Commissioner Simon and unanimously approved.

III HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. **Chao Ju Chang - Certificate # 3180.** Alleged violation: selling in a location (Sansome Street, Sutter to Bush) not designated by the Board of Supervisors - 12/18/92.

Program Director Lazar presented his report that Officer David Albright and he, while on patrol in the Downtown area on December 18th, witnessed Mr. Chang selling in the illegal location. Officer Albright testified to this and said that the sidewalk of Sansome Street, Sutter to Bush, was filled with (illegal) vendors.*

Street Artist Sally Rowley testified that, prior to the incident, Mr. Chang had been set up in a legal street artist space on Market Street, adjacent to the Chevron building, and was packing up to leave when she arrived. She said she pressured him to leave so that she could use the space, saw him move to Sansome Street, and now felt partly responsible for his being cited.

Mr. Chang testified that he was observed, he was packing up. This was refuted by both Officer Albright and Mr. Lazar who stated that Mr. Chang's table was filled with items on display.

Commissioner Simon moved that it be recommended that Chao Ju Chang be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Mr. Chang's certificate be suspended for a period of three weeks; the motion was seconded by Commissioner Bechtle and unanimously approved.

B. **Vadim Cherner - Certificate # 4153.** Alleged violation: selling in a location (Sansome Street, Sutter to Bush) not designated by the Board of Supervisors - 12/18/92.

Program Director Lazar presented his report that, on December 18th, Officer David Albright and he witnessed Mr. Cherner selling in the illegal location. Officer Allbright testified that on that date and time Mr. Cherner was selling in the stated location.

Mr. Cherner was not present. It was noted that, according to the Art Commission's "Hearing Procedure of Street Artist Violations," in the event an artist fails to

---

* It was a mixed group of licensed street artists and non-licensed vendors. (H.L.)

appear at his/her hearing, the Program Committee may give a recommendation of the penalty for the violation for which the artist is charged, and that this was stated in the Program's notice of hearing mailed to Mr. Cherner.

Commissioner Simon moved that it be recommended that Vadim Cherner be found in violation of the street artist ordinance be selling in a location not designated by the Board of Supervisors, and that Mr. Cherner's certificate be suspended for a period of three weeks; the motion was seconded by Commissioner Bechtle and unanimously approved.

C. **Joe Russo - Certificate # 4164.** Alleged violation: sell- in a location (Sansome Street, Sutter to Bush) not designated by Board of Supervisors - 12/18/92.

Program Director Lazar presented his report that, on December 18th, Officer David Albright and he witnessed Mr. Russo selling in the illegal location. Officer Albright testified that on that date and time Mr. Russo was selling in the stated location.

Mr. Russo was not present. It was noted that, according to the Art Commission's "Hearing Procedure," in the event an artist fails to appear at his/her hearing, the Program Committee may give a recommendation of the penalty for the violation for which the artist has been charged, and this was stated in the Program's notice of hearing mailed to Mr. Russo.

Commissioner Zenni moved that it be recommended that Joe Russo be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Mr. Russo's certificate be suspended for a period of three weeks; the motion was seconded by Commissioner Bechtle and unanimously approved.

D. **John Dobson - Certificate # 4309.** Alleged violations: (1) selling in a location (Sansome Street, Sutter to Bush) not designated by the Board of Supervisors - 12/18/92; (2) improper conduct of business (verbal harrassment/interference with another artist's business) - 12/23, 12/24/92.

With regard to the first alleged violation, Program Program Director Lazar presented his report that, on Dec-

ember 18th, Officer David Albright and he witnessed Mr. Dobson selling in the illegal location. Officer Albright testified that on that date and time Mr. Dobson was selling in the stated location.

Mr. Dobson was not present. It was noted that, according to the Art Commission's "Hearing Procedure," in the event an artist fails to appear at his/her hearing, the Program Committee may give a recommendation of the penalty for the violation for which the artist has been charged, and that this was stated in the Program's notice of hearing mailed to Mr. Dobson.

Commissioner Simon moved that it be recommended that John Dobson be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Mr. Dobson's certificate be suspended for a period of three weeks; the motion was seconded by Commissioner Zenni and unanimously approved.

With regard to the second alleged violation, the Committee reviewed the written complaint submitted by Street Artist Eunice Rodriguez. Mrs. Rodriguez testified to being verbally harrassed by Mr. Dobson at her display on December 23rd and 24th and to the resultant loss of a customer. She said that another artist, Sara Kira, witnessed this and would, if necessary, testify at the Committee's next meeting; Ms. Kira was not able to attend today's hearing because of an out-of-town business commitment.

Commissioner Bechtle moved that it be recommended that John Dobson be found in violation of the street artist ordinance by conducting business in a disorderly and improper manner, and that Mr. Dobson's certificate be suspended for a period of three weeks, in addition to the recommended three weeks' suspension for having sold in an illegal location, and that any further violation of the street artist ordinance committed by Mr. Dobson within one year of the Art Commission's resolution would be grounds to consider revocation of Mr. Dobson's certificate; the motion was seconded by Commissioner Simon.

Commissioner Demetrios moved that the above motion be amended to provide that Mr. Dobson's certificate be suspended for five weeks instead of three weeks; the motion to amend was seconded by Commissioner Simon. The

motion as amended was unanimously approved.

E. Gerri McGillicuddy - Certificate # 3326. Alleged violations: (1) selling in a location (Stockton Street, west side, O'Farrell to Market) not designated by Board of Supervisors - 12/23/92; (2) exceeding display size regulation - 12/23/92.

Program Director Lazar presented his report and photos of Ms. McGillicuddy and her display which, he said, exceeded the display length regulation by five feet. Street Artist Jesse Rodriguez testified to having witnessed that Ms. McGillicuddy was in the illegal location and that her display was nine feet long.

Ms. McGillicuddy was not present. It was noted that, according to the Art Commission's "Hearing Procedure," in the event an artist fails to appear at his/her hearing, the Program Committee may give a recommendation of the penalty for the violation for which the artist has been charged, and that this was stated in the Program's notice of hearing mailed to Ms. McGillicuddy.

Commissioner Zenni moved that it be recommended that Gerri McGillicuddy be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors and by exceeding the display length regulation; the motion was seconded by Commissioner Simon and unanimously approved.

III NEW BUSINESS

Complaint about street artist's activities. Street Artist Sandra Bass referred to a recently submitted letter by her husband to the Program Director requesting corrective measures on the problems allegedly generated by Street Artist Stephen White. According to Mrs. Bass, Mr. White was presently using a live rooster to attract customers to his display in order to request money for photographs taken of the rooster; Mr. White had verbally harrassed the public for money and cigarettes; had shouted names at the public; had threatened Mrs. Bass's husband; had directed customers away from her husband's display; had urinated against trees at Hallidie Plaza; had played his radio at loud volume levels; and had a salesperson at his display selling Mr. White's items as well as the salesperson's own items.

Street Artist Eunice Rodriguez testified that she had

recently observed Mr. White using a rooster for his business activities when he was situated on Hyde Street at the Wharf, that jewelry was hanging from the rooster, and that Mr. White was selling commercially manufactured shell jewelry that she recognized from stores.

Commissioner Zenni moved that the Program Director notify Stephen White to appear before the Committee at the next meeting in April for a hearing on the charges of (a) condcuting business in a disorderly, improper and hazardous manner, (b) selling items not of his own creation and not certified by the Art Commission, and (c) having a salesperson at his display; the motion was seconded by Commissioner Simon and unanimously approved.

The meeting adjourned at 5:00 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

City and County
of San Francisco

THE ARTS
COMMISSION
OF SAN FRANCISCO

25 Van Ness Avenue
Suite 240
San Francisco, CA
94102

(415) 554-9671
(415) 621-3868 FAX

SF
A70.75
#2
4/14/93
Amended

DOCUMENTS DEPT.
APR 9 1993
SAN FRANCISCO
PUBLIC LIBRARY

STREET ARTISTS PROGRAM COMMITTEE

Wednesday, April 14, 1993 - 4:00 p.m.
Art Commission Conference Room
Art Commission Conference Room, Suite 70
25 Van Ness Avenue
San Francisco, California

A G E N D A (AMENDED)

I AMENDMENT TO ART COMMISSION HEARING PROCEDURE OF STREET ARTIST VIOLATIONS; PENALTIES FOR VIOLATIONS. Proposed amendment as follows (additions or substitutions underlined; deletions in ((double parentheses))):

" ((Any)) A suspension or revocation commences ((two (2) weeks)) fifteen (15) days after the Art Commission's resolution, allowing ((ten (10))) fifteen (15) days for the artist to file an appeal with the Board of Permit Appeals ((.)) , unless the Art Commission sets a suspension period or a revocation for a later time within one (1) year of the Commission's resolution. In the event the Art Commission sets a suspension period or a revocation for a later time, the artist, if wishing to appeal, must file an appeal with the Board of Permit Appeals within fifteen (15) days after the Art Commission's resolution.

II HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. **Stephen White - Certificate # 4136.** Alleged violations: (1) Conducting business in a disorderly, improper, and hazardous manner (using a rooster to attract customers; verbal harrassment; threatening other artists; etc.); (2) Selling items not of the artist's own creation; (3) Selling items not certified by the Art Commission; (4) Having a salesperson sell artist's items and salesperson's items - 3/4, 5, 6, 7, 15/93.

B. **Daniel De Guevara - Certificate # 3870.** Alleged violation: Selling in a location (Market Street, 5th to 4th Streets) not designated by Board of Supervisors - 12/21/92 (report submitted on 2/3/93 by S.F.P.D.)

C. **Carol Huang - Certificate # 3843.** Alleged violation: Selling in a location (Market Street, 5th to 4th Streets) not designated by Board of Supervisors - 12/20/92 (report submitted on 2/3/93 by S.F.P.D.)

D. **Robert Stone - Certificate # 1861.** Alleged violation: Selling in a location (Market Street, 5th to 4th Streets) not designated by Board of Supervisors - 12/22 & 23/92 (reports submitted on 2/3/93 by S.F.P.D.)

Continued .....

MAYOR
Frank M. Jordan

COMMISSIONERS

Anne Healy
President

John Kriken
Vice President

Nancy Bechtle
Aristides Demetrios
Alonzo King
Willis Kirk
Robert F. LaRocca
Genny Lim
Ral Y. Okamoto
Dodie Rosekrans
Terri Simon
Liza Zenni

EX OFFICIO MEMBERS
Presidents of the
Fine Arts Museums
Library Commission,
Planning Commission,
Recreation and Park
Commission

DIRECTOR OF
CULTURAL AFFAIRS
Joanne Chow Winship

PROGRAMS
ArtHouse
Civic Art Collection
Civic Design Review
Community Arts
and Education
POPS Concerts
Public Art Program

Street Artists Licenses
Suite 70
(415) 554-9677

Gallery
155 Grove Street
(415) 554-9682

III HEARING ON PETITION FROM STREET ARTISTS TO REDUCE NUMBER OF CERTIFICATE-HOLDERS IN STREET ARTISTS PROGRAM

IV NEW BUSINESS

SAN FRANCISCO ART COMMISSION
ACCESSIBLE MEETING POLICY

1. Full Commission Meetings, and individual Committee Meetings of the Art Commission will be held at 25 Van Ness Avenue, Suite 70, San Francisco, CA. Twenty Five Van Ness is located on the corner of Oak and Van Ness. Suite 70, basement level, can be accessed by the two main elevators in the lobby of the building.

2. The closest accessible BART Station is the Civic Center Station located at the intersection of Market, Hyde and Grove Street. Accessible MUNI Metro lines serving this location are the J,K,L,M, and N which stop at Van Ness Avenue and Market Street, one-half block from the Art Commission offices. Accessible MUNI lines serving the corner of Van Ness and Market are 9,26,and 42. for more information regarding MUNI accessible services, please call (415) 923-6142.

3. American sign language interpreters and/or a sound enhancement system will be available upon request at meetings. Please contact Sonia Gray in the Community Arts and Education Program at (415) 554-9671 at least 72 hours prior to meeting. Late requests will be honored in possible.

4. To allow individuals with environmental illness or multiple chemical sensitivity to attend any meetings, individuals are requested to refrain from wearing perfume or other scented products.

5. Accessible curbside parking has been designated on Oak Street between Van Ness Avenue and Franklin Street.

6. Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

City and County
of San Francisco

THE ARTS
COMMISSION
OF SAN FRANCISCO

25 Van Ness Avenue
Suite 240
San Francisco, CA
94102

(415) 554-9671
(415) 621-3868 FAX

SP
AP0.75
#1
4/14/93

DOCUMENTS DEPT.
APR 30 1993
SAN FRANCISCO
PUBLIC LIBRARY

STREET ARTISTS PROGRAM COMMITTEE

April 14, 1993
Art Commission Conference Room
25 Van Ness Avenue
Suite 70
San Francisco, California

M I N U T E S

Commissioners present: Nancy Bechtle, Terri Simon, Liza Zenni

Commissioner absent: Aristides Demetrios

Staff present: Director of Street Artists Program Howard Lazar
Certification Clerk Antoinette Butt

Commissioner Simon acted as Chair and called the meeting to order at 4:00 p.m.

I AMENDMENT TO ART COMMISSION HEARING PROCEDURE OF STREET ARTIST VIOLATIONS; PENALTIES FOR VIOLATIONS

Program Director Lazar stated that the following wording of the proposed amendment had been approved by the City Attorney's office (additions or substitutions underlined; deletions in ((double parentheses)):

" ((Any)) A suspension or revocation commences ((two (2) weeks)) fifteen (15) days after the Art Commission's resolution, allowing ((ten (10))) fifteen (15) days for the artist to file an appeal with the Board of Permit Appeals ((.)) , unless the Art Commission sets a suspension period or a revocation for a later time within one (1) year of the Commission's resolution. In the event the Art Commission sets a suspension period or a revocation for a later time, the artist, if wishing to appeal, must file an appeal with the Board of Permit Appeals within fifteen (15) days after the Art Commission's resolution.

Street Artist Virginia Burris objected to the amendment and read a prepared statement criticizing the Program Director.

Commissioner Zenni moved that the amendment, as worded above, be recommended for approval; the motion was seconded by Commissioner Bechtle and unanimously approved.

II HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. Daniel De Guevara - Certificate # 3870. Alleged violation: Selling in a location (Market Street, 5th to 4th Streets) not designated by the Board of Supervisors

- 12/21/92.

Mr. De Guevara was not present. It was noted that, according to the Art Commission's "Hearing Procedure of Street Artist Violations," in the event an artist fails to appear at his/her hearing, the Program Committee may give a recommendation of the penalty for the violation for which the artist is charged, and that this was stated in the Program's notice of hearing mailed to Mr. De Guevara.

The Program Director stated that on February 3, 1993, he received a copy of a citation and report issued by Officer Tom Mandelke with regard to the alleged violation of December 21, 1992.

Officer Mandelke testified that on December 21st he observed nine street artists in front of Nordstrom; eight of the artists had corresponding lottery numbers for their legal spaces, while Mr. De Guevara, the ninth artist, was not in a legal space. The officer added that he had received numerous complaints from street artists who had taken the time to participate in their lotteries to receive their spaces, only to find, when they came out to sell, that other artists were selling illegally.

Commissioner Zenni moved that it be recommended that Daniel De Guevara be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Mr. De Guevara's certificate be suspended for a period of three weeks; the motion was seconded by Commissioner Bechtle and unanimously approved.

B. Carol Huang - Certificate # 3843. Alleged violation: Selling in a location (Market Street, 5th to 4th Streets) not designated by the Board of Supervisors - 12/20/92.

This matter had been referred to the Street Artists Program on February 3, 1993 in a copy of a citation and report issued by Officer Tom Mandelke.

Officer Mandelke testified that on December 20th he observed Ms. Huang set up in an illegal location next to eight legal spaces occupied by street artists. Ms. Huang had a lottery slip for a legal location, "HP-3,"

across the street at Hallidie Plaza.

Ms. Huang stated that at the time she was cited, she was near the crosswalk waiting for someone to help her move her display to a legal space adjacent to the Emporium, and, she said, her table was covered.

Officer Mandelke stated that Ms. Huang was set up on the west side of the BART entrance and was not near the crosswalk. Her street artist items - earrings - were visibly displayed, the display open to the public. He added that when a street artist leaves his/her display, they cover the display to signify to the public that the business is closed and to help other nearby artists watch the display.

Commissioner Zenni moved that it be recommended that Carol Huang be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Ms. Huang's certificate be suspended for a period of three weeks; the motion was seconded by Commissioner Bechtle and unanimously approved.

Street Artist Virginia Burris asked the Committee to be lenient, as this was a first offense for Ms. Huang. Commissioner Zenni responded that her Committee had been instructed by the other Commissioners to administer the Street Artists Program as effectively as possible, and that was what was being done.

Commissioner Simon stated that everyone knew the rules - especially artists who had been in the Program for many years.

C. **Robert Stone - Certificate # 1861.** Alleged violation: Selling in a location (Market Street, 5th to 4th Streets) not designated by Board of Supervisors - 12/22 and 23/92.

This matter had been referred to the Street Artists Program on February 3, 1993 in a copy of a citation and report issued by Officer Tom Mandelke.

Officer Mandelke testified that on December 22nd, at 3:40 p.m., two street artist spaces on Market Street, "Z-1" and "Z-2," were occupied by artists with lottery slips for the spaces. Mr. Stone, he said, was also set

up there. He did not have a lottery slip. On the next day, at 5:55 p.m., the officer again observed Mr. Stone in the same location next to the two legal spaces which were occupied by artists with lottery slips.

Mr. Stone stated that the officer made a mistake: On the second day Mr. Stone set up next to one of the two artists who was preparing to leave, and Mr. Stone was about to move into his space when the officer gave him a ticket. In court, Mr. Stone said, the officer failed to convince the judge that Stone was guilty.

Street Artist John Hulton testified that on December 23rd, at 5:55 p.m., he was packing up to leave when Mr. Stone came by and asked if he could have the space, to which Mr. Hulton replied that he could. As he was packing up, Mr. Stone was unpacking; at that moment, the officer came by.

To a question put forth by Commissioner Simon, Mr. Stone admitted he was set up illegally on the first day, December 22nd.

Commissioner Bechtle stated that she accepted the officer's statement of what happened. Commissioner Bechtle moved that it be recommended that Robert Stone be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Mr. Stone's certificate be suspended for a period of three weeks; the motion was seconded by Commissioner Zenni and unanimously approved.

D. **Stephen White - Certificate # 4136.** Alleged violations: (1) Conducting business in a disorderly, improper, and hazardous manner (using a rooster to attract customers; verbal harrassment; threatening other artists; urinating on trees); (2) selling items not of the artist's own creation; (3) selling items not certified by the Art Commission; (4) having a salesperson sell artist's items and salesperson's items.

Program Director Lazar reported that at 3:30 p.m. Mr. White called the office to say that his bus to the city would be late and that he would arrive at the meeting at 4:40 p.m. Mr. Lazar told him that one of the Commissioners would have to leave at 5:00 p.m., which would result in the meeting's adjournment; unless the

Committee were to reach a recommendation by 5:00 p.m., Mr. White's hearing would have to be continued to the following month's meeting.

The Commissioners noted that by 4:50 p.m. Mr. White had not appeared. Street Artist John Bass urged the Committee to proceed with the hearing, as Mr. White had had a month to make his arrangements to be at the hearing, there were several witnesses who were giving their time to be present, and the Commission, by its own rules, had the power to proceed in a defendant's absence. Ms. Carolyn Diamond, Executive Director of The Greater Market Street Development Association, said she had expected to testify at 4:00 p.m. and had been waiting since then. The Committee proceeded.

Program Director Lazar stated that, in addition to mailing the notification, he personally handed a copy of the notification to Mr. White at Hallidie Plaza on March 15, 1993.

Alleged Violation of Selling Non-Certified Items

With regard to the charges of Mr. White's allegedly having sold items not of his own creation and/or items not certified by the Art Commission, the Program Director said he viewed the videotape of Mr. White's January 30, 1992 screening of wares and saw that the Advisory Committee approved him to sell only his sewn hats and clothing and not the beadcraft items he submitted. He was invited to re-submit the beadcraft at another screening.

On March 20, 1992, the Program Director was called to Hallidie Plaza where he observed Mr. White displaying insence and sewn bags which bore the label "Nigeria." Because he was new to the Program, Mr. White received a verbal warning to not sell items for which he was not certified. One year later, when Mr. White's business conduct came up for question and Mr. Lazar handed him a notice for hearing, the Program Director observed and photographed Mr. White displaying items not authorized for sale: beadcraft and shellcraft. (The Commissioners viewed the photos.)

Prior to this incident, the Program Director had received a telephone complaint that Mr. White's shellcraft items were allegedly not made by him. The person who made the complaint was notified to testify

but did not appear. Without the witness, there was no proof that Mr. White was selling items he did not make, and this charge was being dropped. Regardless of this, however, the charge remained that Mr. White was allegedly selling items not certified by the Commission. This was substantiated in a letter from John Bass which stated that on March 4, 5 and 6, 1993, Mr. White was selling loose beads for $1 each. Mr. Bass told the Commissioners this was true. In addition, the following witnesses testified to the charge of Mr. White's having sold uncertified items:

Street Artist Edward Steneck said he saw earrings stuck through Mr. White's rooster's waddle.

Street Artist Merlin Willis said he saw Mr. White selling the loose beads on the days mentioned by Mr. Bass as well as on other occasions, and that Mr. White had sold shell necklaces which can be purchased at Cost Plus.

Alleged Violation of Conducting Business in an Improper Manner: Use of a Rooster

The Program Director submitted photos he took of Mr. White's rooster on March 15, 1993 and photos submitted by John Bass on March 9, 1993. The Program Director checked with both the City's Animal Control Unit and the Health Department: the Animal Control Unit saw the rooster and could not find a violation because the rooster did not appear to be in any harm or, even with the jewelry pierced through the waddle, in any pain. From the law furnished by the Health Department, the Program Director understood that a business is allowed in a non-residential area to use an animal so long as the business owner specifies this intent in his application for Business Tax Registration with the Tax Collector who must notify the Health Department for an investigation. Mr. White, in registering with the Tax Collector as a street artist, did not do this. Notwithstanding this circumvention of procedure and the findings of the Animal Control Unit, the Art Commission has the right to suspend or revoke a street artist certificate if the artist's sales activity is considered business conducted in a disorderly, improper or hazardous manner. Having a rooster to attract customers - especially by hanging jewelry off it - was, in the Program Director's opinion, improper conduct.

Furthermore, it was alleged in written complaint, that Mr. White had used the rooster for the purpose of collecting money from customers who took photos of it - an activity for which he was not certified.

Ms. Carolyn Diamond, Executive Director of The Greater Market Street Development Association, testified that she had observed Mr. White with his rooster, the rooster had worn beaded necklaces, and Ms. Diamond had received numerous phonecalls from merchants in the the complaints ranging from cruelty to animals to health problems. The businesspeople, she said, were not satisfied with a barnyard animal on Market Street as well as being used as an accesssory for a street artist.

Street Artist John Ammann testified that Mr. White's use of a rooster attracted customers away from Mr. Ammann's table. He added that it was important that street artists distinguish themselves from con-artists.

Verbal Harrassment; Threatening Artists; etc.

Mr. Bass testified that on September 6, 1992, Mr. White noticed that Bass was taking photos of his rooster, his salesperson, and his products, and became abusive and threatening; he called the Police to have Bass arrested; the Police refused to arrest him. For the rest of the day, White's helper made threats against Bass.

Mr. Bass went on to testify that during the time White has been at Hallidie Plaza, White has made his space a haven for panhandlers, street people, and street performers.One is a drummer of whom Bass has filed several police reports for repeatedly threatening his life.

Mr. Bass also testified that he had observed Mr. White urinating on trees at the Plaza.

Street Artist Merlin Willis testified that he heard Mr. White threaten Mr. Bass during the past year with remarks as "Stay out of my face," "Don't interfere with what I'm doing or I'll take care of you." Mr. Willis further testified that he saw Mr. White urinate against trees at the Plaza.

Alleged Violation: Having a Salesperson

Mr. Bass submitted photos he took in April, 1992 of drummers whom Mr. White had allegedly allowed to occupy his space; as well as photos taken on September 5, 1992 which, Mr. Bass said, showed a salesperson at Mr. White's display, waiting on customers during Mr. White's absence.

Mr. Willis testified that he observed Mr. White had a salesperson at his display, that the salesperson brought out his own store-bought merchandise to sell. Mr. Willis confirmed that the letter he sent to the Program, asserting that White had a salesperson on March 13, 1993, was correct.

Findings and Recommendation

Commissioner Zenni stated that the alleged behavior of Mr. White should not be tolerated, that it degraded the street artists who were trying to conduct themselves professionally, and that she felt his license should be revoked. Commissioner Simon noted that Mr. White had received a warning about what he could sell. Commissioner Bechtle noted that it was not just the street artists who were protesting Mr. White's behavior but the merchants were as well.

Commissioner Bechtle moved that it be recommended that Stephen White be found in violation of the street artist ordinance by conducting business in a disorderly, improper and hazardous manner, by selling items not certified by the Art Commission, and by having a salesperson sell his items and the salesperson's items at Mr. White's display, and that Mr. White's certificate be revoked and no consideration be given to any application for certification submitted by Mr. White until after a period of one year after said revocation; the motion was seconded by Commissioner Zenni and unanimously approved.

III HEARING ON PETITION FROM STREET ARTISTS TO REDUCE NUMBER OF CERTIFICATE-HOLDERS IN STREET ARTISTS PROGRAM

Street Artists Larry Rosenbloom and James Millard submitted a petition signed, they said, by 140 street artists urging the Commission to issue new licenses at a slower rate until the overcrowding of street artists at lotteries subsides.

Program Director Lazar reported that Deputy City Attorney Burk Delventhal had recently given a verbal response to the

question submitted by Mr. Lazar: "Should the Art Commission allow the number of certificate-holders to decline by notifying fewer applicants for examination of wares?" Mr. Delventhal's response was as follows: Whether or not the Art Commission maintains a certain number of licenseholders would not be the issue in a court of law; the issue would be whether or not the Commission is continuing to provide a reasonable amount of time for the processing of an applicant's certification. Since the Advisory (screening) Committee was demonstrating capability in conducting a thorough screening procedure for each applicant (approximately 12 - 17 applicants who show up, out of some 40 notified), and that this current procedure provides for a two- to three-month waiting period, which is reasonable, for an applicant, the notification of fewer applicants, which would result in a longer waiting period which, in turn, would not be considered reasonable, would not be justifiable in court. The court would want to know why an applicant would have to now wait an unreasonable amount of time when the Commission had been very ably demonstrating a thorough screening procedure which provided for a reasonable waiting period. He advised that the Commission maintain its present rate of notification of applicants.

The Program Director further reported that the number of licensees, despite the monthly issuance of new licenses, has dropped since the new year from 513 to 450 due to attrition.

Mr. Rosenbloom stated that, regardless of the decline in the number of licenses, more street artists than ever before were using their licenses to get into the lotteries to sell. He suggested that the size of attendance at the lotteries should determine how the screening of newcomers is to be conducted. He asked for further clarification from the City Attorney.

Mr. Millard stated that in the past the total number of licensees was determined by the budget, and now there is a surplus of money. He did not feel that it was realistic that a lawsuit would be filed against the Commission. Also, the City Attorney, he said, gives the Commission lattitude with the term "reasonable." In Berkeley and Seattle the wait is three years. The Art Commissioners have the power to tell the Program Director how many people he should notify for screening each month and how high the number of licenses should be. The Commission should take a stand on this issue.

Commissioner Bechtle said that, like it or not, the Art Commission is a City agency and must abide by the rules. She asked that the City Attorney be present to give clarification.

Street Artist Bill Clark stated that what the Program Director and the City Attorney were trying to explain was that the administration of an application has to do with due process of the applicant and not with what occurs on the street. The court would be concerned with whether the applicant's due process was being violated. No matter how many people sign a petition to do otherwise, they cannot vote away a person's constitutional right.

Commissioner Bechtle moved that the City Attorney be asked to attend the next meeting of the Program Committee to clarify the issue of whether the Commission may slow the screening rate in order to lower the number of certificate-holders; the motion was seconded by Commissioner Zenni and unanimously approved.

At the request of Mr. Millard, the Committee asked the Program Director to prepare a statement for the next meeting of the anticipated surplus of fee revenue at the close of the fiscal year.

As Commissioner Bechtle had to leave, the meeting adjourned 5:35 p.m.

Commissioners Simon and Zenni stayed until 6:20 p.m. to listen to comments from the artists on matters related to the Program.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

SF
A70.75
#2
5/12/93
SF Art Commission

City and County
of San Francisco

THE ARTS
COMMISSION
OF SAN FRANCISCO

25 Van Ness Avenue
Suite 240
San Francisco, CA
94102

(415) 554-9671
(415) 621-3868 FAX

STREET ARTISTS PROGRAM COMMITTEE

Wednesday, May 12, 1993 - 4:00 p.m.
Art Commission Conference Room, Suite 70
25 Van Ness Avenue
San Francisco, California

DOCUMENTS DEPT.
MAY 10 1993
SAN FRANCISCO
PUBLIC LIBRARY

A G E N D A

I CLARIFICATION BY DEPUTY CITY ATTORNEY BURK DELVENTHAL ON WHETHER ART COMMISSION MAY LOWER THE NUMBER OF CERTIFICATE-HOLDERS BY NOTIFYING FEWER APPLICANTS FOR SCREENING

II DRAFT OF POLICY ON WAIVING STREET ARTIST FEE FOR HONORABLY DISCHARGED VETERANS UNABLE TO OBTAIN A LIVING THROUGH MANUAL LABOR (as per advice in City Attorney Opinion No. 88-07 and subsequent letters of 8/23/91 and 4/12/93)

III DRAFT OF AMENDMENT TO ART COMMISSION HEARING PROCEDURE OF STREET ARTIST VIOLATIONS TO PROVIDE FOR TIME LIMIT OF FILING APPEAL WITH ART COMMISSION OF RECOMMENDATION OF PROGRAM COMMITTEE (APPEAL TO BE FILED NO LATER THAN TEN (10) BUSINESS DAYS PRIOR TO COMMISSION MEETING)

IV REQUEST FROM DEPARTMENT OF PARKING AND TRAFFIC FOR STREET ARTISTS TO CEASE ALL-DAY PARKING OF VEHICLES ON BEACH STREET, HYDE TO LARKIN STREETS (departmental representative to address issue)

V REQUEST BY STREET ARTIST APPLICANT FOR WAIVER OF TEN-DAY POLICY FOR OBTAINING CERTIFICATE

A. **Werner Jurgens** - approved on April 29, 1993 for certification.

VI REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. **Geoffrey Kington** - Certificate # 3537 expired April 3, 1993; payment for renewal received (late) April 28, 1993.

B. **Darlene Pyeatt** - Certificate # 4195 expired August 8, 1992.

C. **Ajila Hart** - Certificate # 4336 expired February 19, 1993.

VII DRAFT OF AMENDMENT TO ART COMMISSION HEARING PROCEDURE OF STREET ARTIST VIOLATIONS PROVIDING FOR MINIMUM OF

Continued.....

ONE (1) YEAR BETWEEN REVOCATION OF A STREET ARTIST'S CERTIFICATE AND ART COMMISSION CONSIDERATION OF THE ARTIST'S APPLICATION FOR NEW CERTIFICATE; HEARING PROCEDURE; FINAL REVOCATION

VIII REQUEST BY REVOKEE FOR CONSIDERATION OF APPLICATION FOR NEW CERTIFICATE

A. **Fernando Hechavarria** - Certificate # 3045 was revoked by Art Commission on February 3, 1992.

IX NEW BUSINESS

City and County of San Francisco

THE ARTS COMMISSION OF SAN FRANCISCO

25 Van Ness Avenue
Suite 240
San Francisco, CA
94102

(415) 554-9671
(415) 621-3868 FAX

PROGRAMS
Civic Art Collection
Civic Design Review
Community Arts and Education
POPS Concerts
Public Art Program

Street Artists Licenses
Suite 70
(415) 554-9677

Gallery
155 Grove Street
(415) 554-9682

Art House
Fort Mason Center
Building C
San Francisco, CA
94123-1382
(415) 885-1194

SAN FRANCISCO ART COMMISSION
ACCESSIBLE MEETING POLICY

1. Full Commission Meetings, and individual Committee Meetings of the Art Commission will be held at 25 Van Ness Avenue, Suite 70, San Francisco, CA. Twenty Five Van Ness is located on the corner of Oak and Van Ness. Suite 70, basement level, can be accessed by the two main elevators in the lobby of the building.

2. The closest accessible BART Station is the Civic Center Station located at the intersection of Market, Hyde and Grove Street. Accessible MUNI Metro lines serving this location are the J,K,L,M, and N which stop at Van Ness Avenue and Market Street, one-half block from the Art Commission offices. Accessible MUNI lines serving the corner of Van Ness and Market are 9,26,and 42. for more information regarding MUNI accessible services, please call (415) 923-6142.

3. American sign language interpreters and/or a sound enhancement system will be available upon request at meetings. Please contact Sonia Gray in the Community Arts and Education Program at (415) 554-9671 at least 72 hours prior to meeting. Late requests will be honored in possible.

4. To allow individuals with environmental illness or multiple chemical sensitivity to attend any meetings, individuals are requested to refrain from wearing perfume or other scented products.

5. Accessible curbside parking has been designated on Oak Street between Van Ness Avenue and Franklin Street.

6. Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

SF
A70.75
#1
5/12/93

City and County
of San Francisco

THE ARTS
COMMISSION
OF SAN FRANCISCO

25 Van Ness Avenue
Suite 240
San Francisco, CA
94102

(415) 554-9671
(415) 621-3868 FAX

DOCUMENTS DEPT.
JUN 3 1993
SAN FRANCISCO
PUBLIC LIBRARY

STREET ARTISTS PROGRAM COMMITTEE

May 12, 1993
Art Commission Conference Room, Suite 70
25 Van Ness Avenue
San Francisco, California

M I N U T E S

Commissioners present: Aristides Demetrios, Nancy Bechtle, Terri Simon, Liza Zenni

Staff present: Director of Cultural Affairs Joanne Chow Winship (during Item VI)
Director of Street Artists Program Howard Lazar
Certification Clerk Antoinette Butt

City Attorney staff present: Deputy City Attorney Burk Delventhal (during Items I through V)

Commissioner Demetrios, Chairman, called the meeting to order at 4:00 p.m.

I REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Geoffrey Kington - Certificate # 3537 expired April 3, 1993; his payment for renewal was received (late) April 28, 1993.

B. Darlene Pyeatt - Certificate # 4195 expired August 8, 1992; her request was received May 3, 1993.

C. Ajila Hart - Certificate # 4336 expired February 19, 1993; her request was received April 28, 1993.

Commissioner Bechtle moved that the requests by Geoffrey Kington, Darlene Pyeatt, and Ajila Hart, for priority is-issuance of certificate be recommended for approval with waiver of screening of wares for Ms. Pyeatt; the motion was seconded by Commissioner Simon and unanimously approved.

D. Enrique Mendoza - Certificate # 4272 expired February 12, 1993; his request was received May 11, 1993.

Commissioner Bechtle moved that the request by Enrique Mendoza for priority issuance of certificate be recommended for approval; the motion was seconded by Commissioner Simon and unanimously approved.

II DRAFT OF AMENDMENT TO ART COMMISSION HEARING PROCEDURE OF STREET ARTIST VIOLATIONS TO PROVIDE FOR TIME LIMIT OF

FILING APPEAL WITH ART COMMISSION OF RECOMMENDATION OF PROGRAM COMMITTEE

Commissioner Simon moved that the following amendment, as drafted by the City Attorney's office, be recommended for approval:

> Any artist wishing to appeal the recommendation of the Street Artists Program Committee to the full Art Commission shall have five (5) business days from the date of the Program Committee's recommendation in which to request an appeal in writing. The request shall be addressed to the Commission's Street Artists Program. Requests for appeals received less than ten (10) days prior to the next scheduled meeting of the full Art Commission will be scheduled for the following month's full Commission meeting.

The motion was seconded by Commissioner Bechtle and unanimously approved.

III NEW BUSINESS

Under new business, Commissioner Demetrios asked that it be stated on each agenda of the Program Committee that testimony will be limited to three (3) minutes and that no witness shall cross-examine another witness without the Committee's approval. Commissioner Simon moved that this request be recommended for approval; the motion was seconded by Commissioner Bechtle and unanimously approved.

IV DRAFT OF POLICY ON WAIVING STREET ARTIST FEE FOR HONORABLY DISCHARGED VETERANS UNABLE TO OBTAIN A LIVING THROUGH MANUAL LABOR (as per advice in City Attorney Opinion No. 88-07 and letters of 8/23/91 and 4/12/93)

Program Director Lazar reported that a written response had been received from the City Attorney to the questions on (1) whether a disabled veteran is entitled to waiver of the street artist certificate fee when the Street Artists Program is entirely supported by license fees and receives no General Fund money; and (2) whether the term "manual labor" contained in the California Business and Professions Code sections 16001 and 16001.5 applies to the Street Artists Program. The response was "yes" to both questions: (1) a self-supporting program is not exempt from the statutes; and (2) a paraplegic would be an example of a

disabled veteran unable to earn a living by manual labor within the terms of sections 16001 and 16001.5 but could have use of his/her hands to make and sell handcrafted items.

Street Artists Edward Steneck and John Bass (both of whom stated they were Korean War era veterans), Enrique Mendoza, James Millard, Larry Rosenbloom, and Eunice Rodriguez opposed adoption of the policy, for the following reasons:

1) Street artist fees are not the City's money to give away.

2) A street artist fee represents each artist's share of the cost of their self-supporting Program.

3) While there are not enough selling spaces for the artists, the Program continues to require the current number of artists to pay the bills; the addition of non-paying people in the Program will directly result in a loss of many work days for the people who are supporting the Program.

4) If the City wants to give something to veterans, it should give them their own selling spaces, away from street artists, as was done for the charitable solicitors.

5) If a person cannot do manual labor, they would not qualify to be in the Street Artists Program which requires that they make their items by hand; the admission of veterans who could not make anything by hand would result in street artist spaces being used by people selling commercially manufactured merchandise.

6) The Federal government, and not 400 struggling street artists, should take care of veterans; as it is, a disabled veteran receives a check from the government for the rest of his/her life, and the Veterans Administration provides veterans with medical care at practically no cost to the veteran.

7) The City has no right to force the street artists to accept into their Program people who will not share in its expenses.

8) The admission of non-paying veterans would not only weaken the Program financially but would also cut into the income of the artists who are not veterans.

9) It should be investigated whether the nature of the Street Artists Program - its being a "craft" program - would make it exempt from the veteran's statutes.

10) If the Street Artists Program complies with the statutes, there will be within a year fifty veterans in the Program, occupying fifty selling spaces currently being used by the same number of struggling artists.

11) It should be investigated whether Cal Vet could reimburse the Street Artists Program for the costs of waiving the fee for disabled veterans admitted into the Program.

12) It costs a street artist less than one dollar a day for a license; this non-prohibitive fee should not allow any street artist to be exempt from paying it.

In response to questions by the Committee, Deputy City Attorney Burk Delventhal clarified the following:

1) Under the fee-based system of the Street Artists Program, fees are paid to operate the system and should not be used to subsidize other services or costs incurred outside of operating the system; therefore, the Art Commission should ask the City for an appropriation in the Street Artists Program budget to cover the costs of those street artists who are exempt from paying fees under California Business and Professions Code sections 16001 and 16001.5. For example, if there are five such people in the Program, each exempt from paying the $350 annual fee, the Commission should ask for $1,750 from the General Fund to subsidize their fees. Furthermore, the Program should have such a General Fund subsidy to cover these fees so that the Program is not exposed to the claim that it is taking fees from people to pay for the fees of others in the Program.

2) It is not a question of whether or not the Art Commission should adopt a policy on waiving a fee for disabled veterans; the State legislature has made a policy decision which has pre-empted San Francisco's authority to decide whether to grant or deny this exemption. The Art Commission must process a disabled veteran's application for a street artist certificate, and if he/she meets the requirements of the examination, the fee must be waived.

3) Rather than adopting a "policy" on waiving the

fee, the Commission should adopt an "implementation of State policy" by directing the staff to follow procedures in fulfilling the Commission's obligation to State policy.

Commissioner Bechtle moved that it be recommended that the Board of Supervisors be requested to approve an appropriation from the General Fund to the Street Artists Program budget in order to cover the costs of those street artists (honorably discharged veterans unable to obtain a living through manual labor) who are exempt from paying fees under California Business and Professions Code sections 16001 and 16001.5; the motion was seconded by Commissioner Zenni and unanimously approved.

Commissioner Zenni moved that the following procedures be recommended for directing staff's review of applications for exemption from paying fees under California Business and Professions Code sections 16001 and 16001.5:

> PROCEDURES DIRECTING STAFF'S REVIEW OF APPLICATIONS FOR EXEMPTION FROM PAYING FEES UNDER CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTIONS 16001 AND 16001.5: In keeping with the provisions of the California Business and Professions Code sections 16001 and 16001.5, the Art Commission shall waive the fee of a street artist certificate for any honorably discharged veteran who is physically unable to obtain a livelihood by manual labor provided that (1) said veteran meets the requirements of Sec. 4 (Examination) and Sec. 5 (Issuance of certificate) of Proposition "L," approved by the voters at the election held on November 4, 1975 (San Francisco Police Code section 2400); (2) said veteran furnishes to the Director of the Street Artists Program of the Art Commission the following items: (a) an honorable discharge certificate; (b) a notarized statement that said veteran, as a result of physical impairment, is physically unable to earn a living through manual labor; and (c) documentation of the impairment. The following are examples of sufficient documentation of impairment: (1) a medical record; (2) a pertinent letter of explanation from medical or social services personnel; or (3) a military statement of disability with the honorable discharge certificate. This list is not meant to be exhaustive. The Director of the Street Artists Program shall allow other reasonable documentation or proof of physical impairment. Upon receipt of items (a), (b) and (c) above, the Director

of the Street Artists Program, on behalf of the Director of Cultural Affairs of the Art Commission, shall waive the certificate fee. If the request for waiver is denied for failure to submit the items listed above, the applicant is entitled to an appeal before the full Art Commission.

While Sections 16001 and 16001.5 exempt an honorably dicharged veteran unable to earn a living by manual labor from paying for a street artist certificate, these sections do not override other City ordinances or rules regulating the issuance of street artist certificates or the conduct of street artists.

The motion was seconded by Commissioner Bechtle and unanimously approved.

V CLARIFICATION BY DEPUTY CITY ATTORNEY BURK DELVENTHAL ON WHETHER ART COMMISSION MAY LOWER THE NUMBER OF CERTIFICATE-HOLDERS BY NOTIFYING FEWER APPLICANTS FOR SCREENING

Deputy City Attorney Burk Delventhal clarified the following:

1) While the Board of Supervisors has the power to limit the number of selling spaces, neither the Board nor the Art Commission has the power to limit the number of certificates.

2) The street artist initiative adopted by the voters in 1975 specifies the Art Commission's obligations with regard to this issue: upon receipt of an application for a street artist certificate, the Executive Director shall fix a date for Advisory Committee consideration and examination of the applicant's wares. ... upon payment of the fee, the Executive Director shall issue a certificate ... The word "shall" is used frequently in the provisions. The question is "What time does the Commission have to act?" The conclusion from the City Attorney's office is that a court would say a reasonable time in which to process the application. A "reasonable" time would be the time reasonably necessary to do the job thoroughly during a normal work day. After speaking with the Program Director, Mr. Delventhal felt that the current two- to three-month process meets the "reasonable" test.

3) To suddenly set the waiting list so that the Commission doubles the time it takes to process the applica-

tions, and the justification is that "we wanted to slow down the processing of certificates because there are too many artists," a court would order the Commission to process these in a timely fashion and without regard to the Commission's concern for the number of artists. Therefore, Mr. Delventhal's advice is that the Commission does not have the authority to set a quota on the number of certificates issued or to delay the processing of applications in order to keep the number of certificates down.

Street Artists Enrique Mendoza, James Millard, Merlin Willis and Larry Rosenbloom voiced the following arguments in favor of slowing the process:

1) While the Street Artists Program currently has a two- to three-month waiting list, the Program in the past had a two- to three-year waiting list, there didn't seem to be a problem then, and no one ever took the issue to court.

2) To define the word "reasonable," one must refer to a baseline representing the twenty-year history of the Program (a graph was submitted by Mr. Rosenbloom) which would show that there has been an average waiting period of four to five months.

3) Based on the previous waiting periods, a judgment call could be made on the question "Are we slowing it down or are we getting it back to normal by not speeding it up?"

4) The speed of processing applications has been directly proportional to the budget requirements.

5) A judgment call is made on how many notices to applicants are sent out; it doesn't have to do with pressure from the waiting list.

6) If no one has sued the Art Commission over a two- or three-year waiting list, why would anyone sue over a four-month list, or a nine-month list? If they did, they would get their license before their suit would get to court. Therefore, the Commission would not be at risk.

7) To wait six or nine months for a street artist certificate would not be unreasonable because in other

cities like Seattle and Berkeley people have to wait two to three years.

8) There should be a "minor adjustment" in the rate of screening so that twenty-five less notices would be sent out.

Street Artist Eunice Rodriguez stated that in 1975 she waited only three weeks to obtain her certificate and that was when the Program had 800 to 1,000 artists; because of the democratic process, everyone is entitled to a review of their application in a reasonable amount of time.

In response to questions by the Committee, Mr. Delventhal clarified the following: If there is a lawsuit, the legal services would be paid for by the Street Artists Program. If the issue went to court, a judge would probably determine as a "reasonable" waiting period for an applicant how expeditiously the staff of the Art Commission could process the applications - that is, that which would be the reasonable amount of time required by staff which is necessary to do the certification properly. If it could be shown that staff was doing the process carelessly or not taking enough time to do it correctly, then it could be demonstrated that four months, rather than two or three, would be a reasonable amount of time.

In response to a question by the Committee, received from Street Artist James Millard, Mr. Delventhal responded that if the Program were to increase its waiting period for applicants to six or nine months, he had no way of telling how likely it was that the Program would be sued, but if it were, it was likely that the Program would lose.

Mr. Rosenbloom asked the Commissioners to try a policy of lowering the number of notices sent out each month to twenty for the next three months, see how it affects the waiting list, and "take a chance of not being sued." Commissioner Simon responded that what the Commission did not want to do was take a chance. If the Program were sued, it would come out of the street artist money, and she questioned whether some artists were willing to risk the money of the other artists.

Street Artist John Bass proposed that the Program look at the legality of other ways of retarding the rate of screenings - for example, a non-refundable screening fee

or application fee, similar to the Police Department's fee which helps keep down the number of submitted applications.

In response to a question by Commissioner Demetrios, Mr. Delventhal stated that the Program could charge a non-refundable examination fee to cover the costs of examining the art, and afterward, the applicant would pay a fee to cover the rest of the administrative costs of the Program.

In response to a question on whether the Program in its screening of applicants could apply standards of aesthetic merit, Mr. Delventhal stated that, without researching the question, it was his understanding that the street artist ordinance provides only for a determination as to whether an item is created by the applicant, and that an aesthetic evaluation could lead to problems with the First Amendment.

Mr. Mathew Porkola, Chairman of the Advisory Committee of Street Artists and Craftsmen Examiners, stated that with regard to the "reasonable amount of time" issue, when the backlog of applicants was at its longest duration, it was partially the result of the fact that his Committee was understaffed. Presently, there is a full complement of members, and this is one of the reasons why the screening process has moved faster. Also, two years ago, his Committee was asked by the Commission to spend a minimum of twenty minutes examining each applicant's wares; for the past two years, the Committee has been consistent in this time allotment and has been generating roughly the same number of new licenses each month.

In response to questions by Commissioner Zenni, Program Director Lazar clarified that the number of applicants notified for screening each month has been tied to the budget requirements, that when the fee was increased substantially in July, 1991, an inordinate amount of license-holders gave up their licenses, the revenue plummeted, and by autumn double the amount of applicants had to be notified to try to make up the loss. At the same time, the Program had to eliminate the position of Art Inspector in order to help balance the budget. Since that time, double screenings have not been necessary; for the past several months, forty applicants a month have been notified. Referring to his tables of certification statistics for the past two years, Mr. Lazar pointed out that the ratio

has been 4 to 1: for every 4 applicants notified, 1 shows up for screening; and not every applicant is approved.

Commissioner Zenni stated that she was resistant to placing on Mr. Lazar an arbitrary number of applicants to notify, as was requested by Street Artist Larry Rosenbloom, because the Program Director has demonstrated watching the numbers closely to ensure that the Program was maintaining itself. She asked Mr. Lazar to report any significant fluctuation of the budget requirements or the number of applicants.

Commissioner Bechtle asked Mr. Delventhal if a case could be made that because there had been a budget crunch, the Program had had to do two screenings a month for a time in order to bring the revenue up, and that this would not have happened in ordinary circumstances. Mr. Delventhal responded that it would be defensible and even more so if it were shown that the waiting period in recent times had stayed consistent.

Commissioner Zenni moved that it be recommended that the Program Director consult with the City Attorney's office to draft a fee structure which would provide for all applicants for a street artist certificate to pay a non-refundable application/examination fee and for all applicants approved for certification to pay a second fee to cover the costs of issuance of certificate and all other expenses in administering and enforcing the street artist ordinance; the motion was seconded by Commissioner Bechtle and unanimously approved.

VI REQUEST FROM DEPARTMENT OF PARKING AND TRAFFIC FOR STREET ARTISTS TO CEASE ALL-DAY PARKING OF VEHICLES ON BEACH STREET, HYDE TO LARKIN STREETS

Mr. Tim Johnson of the Department of Parking and Traffic addressed the problem of a handful of street artists, he said, on Beach Street and other commercial streets who have been jamming and breaking parking meters, erasing chalk marks, and trying to upset his department's enforcement policy. This has created animosity between merchants and artists which, over the years, has troubled the Street Artists Program itself. He asked for the Art Commission's assistance in two ways: (1) general education - that is, making it clear to all street artists that it serves no one to try to abuse the parking regulations, and that the artists should attempt to police themselves; and (2) the Commission to be prepared to consider

terminating the licenses of those street artists who have been identified as abusers of parking regulations.

Commissioner Demetrios noted that the Street Artists Program did not have the staff to assist in policing the parking regulations; he also questioned whether the Program had the authority to embark on such duty.

Commissioner Zenni noted that the relationship between the Prorgam and Commission with the merchants and the other City agencies is very important, as well as essential for the health of the Program. An education process on the parking regulations would be a positive step.

Street Artist Sharon MacDougall objected to having the street artists accused of breaking the meters, when, she said, they do not.

Commissioner Simon moved that it be recommended that the Program Director assist the Department of Parking and Traffic in drafting an information sheet on parking regulations to be disseminated to the street artists; the motion was seconded by Commissioner Bechtle and unanimously approved.

Director of Cultural Affairs Joanne Chow Winship wanted it understood that it would be the personnel of the Department of Parking and Traffic who would be monitoring adherance to their regulations, and not the staff of the Street Artists Program which does not have the responsibility for this duty.

VII DRAFT OF AMENDMENT TO ART COMMISSION HEARING PROCEDURE OF STREET ARTIST VIOLATIONS PROVIDING FOR MINIMUM OF ONE (1) YEAR BETWEEN REVOCATION OF A STREET ARTIST'S CERTIFICATE AND ART COMMISSION CONSIDERATION OF THE ARTIST'S APPLICATION FOR NEW CERTIFICATE; HEARING PROCEDURE; FINAL REVOCATION

Commissioner Demetrios moved that the following amendment

to the Hearing Procedure be recommended for approval:

POLICY PROVIDING FOR MINIMUM OF ONE (1) YEAR BETWEEN REVOCATION OF A STREET ARTIST'S CERTIFICATE AND ART COMMISSION CONSIDERATION OF THE ARTIST'S APPLICATION FOR NEW CERTIFICATE; HEARING PROCEDURE; FINAL REVOCATION: When a former certified street artist whose previous certificate was revoked submits application for a new certificate, there shall be a minimum of one (1) year's duration between the revocation of the previous certificate and Art Commission consideration of the application for new certificate.

The request for a new certificate shall be heard in the first instance by the Art Commission's Street Artists Program Committee. In its consideration of such request for a new certificate, the Program Committee shall calendar a hearing for the request, and the applicant shall be required to submit evidence in the form of witness testimony or documentation that the applicant is now able and willing to comply with the street artist ordinance.

The Program Committee shall submit its recommendation of approval or disapproval of the request to the full Art Commission who, by resolution, shall approve or disapprove the recommendation.

In the event of the Art Commission's disapproval of the applicant's request, the applicant is entitled, pursuant to San Francisco Charter Section 3.651, to appeal the decision of the Commission to the San Francisco Board of Permit Appeals. Part III, Article I, Section 8 of the San Francisco Municipal Code provides that any such appeal must be filed within fifteen (15) days from the date on which the Art Commission by resolution makes its decision.

When the Art Commission revokes a certificate of a street artist for the second time, the second revocation shall be final, and no consideration shall be given by the Commission of any future application submitted by the revokee.

The motion was seconded by Commissioner Simon and unanimously approved.

VIII REQUEST BY REVOKEE FOR CONSIDERATION OF APPLICATION FOR NEW CERTIFICATE

Fernando Hechavarria - Certificate # 3045 revoked by Art Commission on February 3, 1993.

Program Director Lazar reviewed the history of incidents, charges, and Commission actions dating from 1987 to 1992, regarding Mr. Hechavarria. The incidents included an assault on a shopkeeper; attempted assaults on two Street Art Inspectors and a street artist; obstruction of duty of Art Commission staff; improper conduct of business (intoxication, verbal abuse, indecent exposure); and selling items not of the artist's own creation. In 1987 the Art Commission suspended Mr. Hechavarria's certificate for two months for having sold items not of his own creation, and refrained from revoking his certificate for attempted assault, but warned him that any future act of physical violence initiated by him would be considered as cause for revocation. In 1991 he attempted to assault a second Art Inspector; the Commission revoked his certificate. Since then, he applied for a new certificate, but the Commission deferred consideration of it pending a draft from the City Attorney of an amendment to the Hearing Procedure (see Item VII).

The Program Director reported that on April 28, 1993, Certification Antoinette Butt and he, while on inspection duty at Fisherman's Wharf, observed an illegal display of allegedly imported leather-and-fabric belts which was dismantled, packed up, and put into a van by Mr. Hechavarria who, when licensed, was never authorized to sell belts. He was also observed assisting a licensed street artist pack up the artist's display of the same belts for which the artist, also, was not certified.

The Program Director submitted copies of a letter and medical statement he received from Street Artist John Bass which alleged that on May 9, 1993 - three days before this hearing - Mr. Bass photographed Mr. Hechavarria selling items in front of The Emporium on Market Street and that Mr. Hechavarria came over to him and struck him with his folding chair.

Street Artist John Bass testified to the May 9th incident, stated that a Police report was made which included the name of a witness, and submitted photographs he took in November, 1992, and March, 1993, which showed, he said,

Mr. Hechavarria set up with display in front of The Emporium. Mr. Bass stated that he has observed him selling in that location at least once a week since his license was revoked.

Mr. Mathew Porkola, Chairman of the Advisory Committee of Street Artists and Craftsmen Examiners, testified to having seen Mr. Hechavarria during the past year selling items he used to sell as well as items for which he was never certified. He said that he observed him on Tuesdays and Fridays on two dozen occasions during which there was no licensed artist at the display.

Mr. Hechavarria stated that the whole problem is John Bass who follows him everywhere, and that on May 9th he, Mr. Hechavarria, was watching someone else's display. To questions from Commissioner Simon, he said he has not been selling illegally but has been setting up a table for a licensed artist who pays him $10 for this; he has not taken money from customers; he has watched the table whenever the artist has to go to the washroom; and he never indecently exposed himself to other artists.

Street Artists Enrique Perez, James Millard, and Merlin Willis expressed their support of Mr. Hechavarria. Mr. Perez stated that on May 9th he and Mr. Hechavarria were watching a soccer game, Mr. Perez left to go across the street, and did not observe the alleged incident involving Mr. Hechavarria and Mr. Bass.

In response to Mr. Millard's request that Mr. Hechavarria be given a second chance, Commissioner Zenni stated that the Committee had heard a reliable, credible witness who testified to Mr. Hechavarria's having been in violation of the ordinance while under revocation, and that he <u>was</u> given a "second chance" when the Art Commission refrained from revoking his certificate and gave him a warning.

Commissioner Simon noted the applicant's continuation of outbursts since 1987 and questioned whether the Commission would want such an individual to represent the Program.

Commissioner Demetrios stated that the Program had 500 people who obey the rules, and the Commission should honor these people rather than the exception.

Commissioner Bechtle proposed that the Committee reconsider Mr. Hechavarria's request in six months to allow time for

him to demonstrate compliance with his revocation and the regulations of the street artist ordinance and no conflict with other street artists. Commissioner Demetrios concurred.

To a question put forth by Commissioner Zenni, Mr. Hechavarria responded, through Street Artist Alfred Gamarra as interpretor, that he took a chair to Mr. Bass on May 9th, and that he understood that this was inappropriate and unacceptable behavior.

Commissioner Demetrios moved that Mr. Hechavarria's application for certificate be disapproved and that any application for certificate submitted by Mr. Hechavarria not be accepted by the Program prior to six months from the date of resolution of the Art Commission, and that when such application is reached on the waiting list, such application will be considered by the Street Artists Program Committee; the motion was seconded by Commissioner Bechtle and unanimously approved.

The meeting adjourned at 6:30 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

City and County
of San Francisco

THE ARTS
COMMISSION
OF SAN FRANCISCO

25 Van Ness Avenue
Suite 240
San Francisco, CA
94102

F
20.75
2
6/9/93

DOCUMENTS DEPT.
JUN 8 1993
SAN FRANCISCO
PUBLIC LIBRARY

STREET ARTISTS PROGRAM COMMITTEE

Wednesday, June 9, 1993 - 4:00 p.m.
Art Commission Conference Room
Suite 70 (basement area)
25 Van Ness Avenue
San Francisco, California

A G E N D A

Note: Public testimony shall be limited to three (3) minutes per person. No member of the public or witness shall cross-examine another member of the public or witness unless approved by the Program Committee.

I HEARING REQUESTED BY POLICE DEPARTMENT FOR ART COMMISSION AND STREET ARTIST INPUT ON APPLICATIONS FOR **PEDDLER LICENSES FOR BEACH STREET**, NORTH SIDE, AT HYDE STREET

A. Application for pushcart stand to sell caramel apples and fudge. (M. Chamberland, applic.)

B. Application for pushcart stand to sell mounted i-beams and rivets from Golden Gate Bridge (J. Hurley, applic.)

II HEARING ON REQUESTING BOARD OF SUPERVISORS TO RE-DESIGNATE **FIVE (5) STREET ARTIST SPACES ON MARKET STREET**, SOUTH SIDE, SUTTER AND SANSOME STREETS (adjacent to **CHEVRON BUILDING**)

III REQUEST FROM ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS TO INCREASE RATE OF COMPENSATION FROM FIFTY DOLLARS ($50.00) PER MEMBER PER MEETING/STUDIO VISIT, NOT TO EXCEED TWENTY FIVE (25) MEETINGS/STUDIO VISITS, TO SEVENTY-FIVE DOLLARS (**$75.00**) PER MEMBER PER MEETING/ STUDIO VISIT NOT TO EXCEED TWENTY-FIVE (25) MEETINGS/VISITS

IV RECOMMENDATION FROM ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS FOR **CRITERIA ON "COMPUTER-GENERATED AND 'NEW TECHNOLOGY' ART"** (proposed criteria attached to this agenda)

V JOINT COMMITTEE (STREET ARTISTS PROGRAM COMMITTEE AND ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS) HEARING ON PROPOSALS FOR **NEW CRITERIA FOR "BEADSTRINGING"**

VI NEW BUSINESS

A. Request by applicant for screening: Gary Ciotte applied 8/6/90; was notified for screening, but had moved + didn't show.

B. Request by former certificateholder Clyde Austin Certif. # 3649 expired 3/15/93.

PROPOSED CRITERIA FOR "COMPUTER-GENERATED AND 'NEW TECHNOLOGY' ART"

On May 20, 1993, the Advisory Committee of Street Artists and Craftsmen Examiners unanimously voted to recommend to the Art Commission that the following criteria for the certification of arts and crafts under the Street Artists Program be adopted:

COMPUTER-GENERATED AND "NEW TECHNOLOGY" ART:

(1) The artist must demonstrate, in front of the Advisory Committee, creating his/her own images on a computer or other equipment. The artist is required to bring a computer or other equipment with extension cord and necessary components to demonstrate creating the art with the equipment.

(2) Images not of the artist's own creation must be significantly altered in form and shall be examined for approval on a case-by-case basis.

(3) All computer-generated or other printed work must bear the artist's printed signature, initials, logo, or name of business on or near the image.

(4) All laser-printed or photocopied images are subject to the same criteria as for commercially printed items - that is, limited to 500 per edition.

SAN FRANCISCO ART COMMISSION
ACCESSIBLE MEETING POLICY

1. Full Commission Meetings, and individual Committee Meetings of the Art Commission will be held at 25 Van Ness Avenue, Suite 70, San Francisco, CA. Twenty Five Van Ness is located on the corner of Oak and Van Ness. Suite 70, basement level, can be accessed by the two main elevators in the lobby of the building.

2. The closest accessible BART Station is the Civic Center Station located at the intersection of Market, Hyde and Grove Street. Accessible MUNI Metro lines serving this location are the J,K,L,M, and N which stop at Van Ness Avenue and Market Street, one-half block from the Art Commission offices. Accessible MUNI lines serving the corner of Van Ness and Market are 9,26,and 42. for more information regarding MUNI accessible services, please call (415) 923-6142.

3. American sign language interpreters and/or a sound enhancement system will be available upon request at meetings. Please contact Sonia Gray in the Community Arts and Education Program at (415) 554-9671 at least 72 hours prior to meeting. Late requests will be honored if possible.

4. To allow individuals with environmental illness or multiple chemical sensitivity to attend any meetings, individuals are requested to refrain from wearing perfume or other scented products.

5. Accessible curbside parking has been designated on Oak Street between Van Ness Avenue and Franklin Street.

6. Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

DOCUMENTS DEPT.
JUN 29 1993
SAN FRANCISCO
PUBLIC LIBRARY

S F
A C
SAN FRANCISCO ART COMMISSION

STREET ARTISTS PROGRAM COMMITTEE

June 9, 1993
Art Commission Conference Room, Suite 70
25 Van Ness Avenue
San Francisco, California

M I N U T E S

Commissioners present: Aristides Demetrios, Nancy Bechtle, Terri Simon, Liza Zenni

Staff present: Director of Street Artists Program Howard Lazar
Certification Clerk Antoinette Butt

Commissioner Demetrios, Chairman, called the meeting to order at 4:05 p.m.

I HEARING REQUESTED BY POLICE DEPARTMENT FOR ART COMMISSION AND STREET ARTIST INPUT ON APPLICATIONS FOR PEDDLER LICENSES FOR BEACH STREET, NORTH SIDE, AT HYDE STREET

Program Director Lazar stated that Officer Fred Crisp who issues peddler licenses from Central Police Station had requested that the Art Commission hold a hearing on two applications he had received for pushcarts in the street artist area of Beach Street, north side, at Hyde Street. Officer Crisp wanted to hear how the artists and the Art Commission felt about this. There are 56 street artist selling spaces, set five feet apart from each other, along the curbside of Beach Street. Two of these spaces, closest to Hyde Street, had been approved by the Board of Supervisors on a trial basis to see whether congestion or other problems would arise between the two spaces and, opposite them, two existing pushcart peddlers who had been "grandfathered" in their location prior to the current peddler's ordinance. Since 1975, the Police have issued no other peddler licenses for that block of Beach Street.

Mr. Lazar also stated that, by law, the street artists must allow a minimum ten-foot pedestrian walkway between their displays and an opposite building. While the Beach Street sidewalk is 20'5" wide, the placement of a three-foot deep pushcart plus a probable three feet worth of space occupied by the pushcart's customers could reduce the pedestrian walkway to less than six feet which would encroach on the artists' regulation and place them in violation of their law.

A. Application for pushcart stand to sell caramel apples and fudge. (M. Chamberland, applicant) The applicant,

MAYOR
FRANK M. JORDAN

COMMISSIONERS
ANNE HEMY
PRESIDENT
JOHN KRIKEN
VICE PRESIDENT
NANCY BECHTLE
ARISTIDES DEMETRIOS
ALONZO KING
WILLIS E. KIRK
ROBERT E. LAROCCA
GENNY LIM
RAE Y. OKAMOTO
DODIE ROSEKRANS
TERRI SIMON
LIZA ZENNI

EX OFFICIO MEMBERS
PRESIDENTS OF THE
FINE ARTS MUSEUMS
LIBRARY COMMISSION
PLANNING COMMISSION
RECREATION &
PARK COMMISSION

DIRECTOR OF
CULTURAL AFFAIRS
JOANNE CHOW WINSHIP

PROGRAMS
CIVIC ART COLLECTION
CIVIC DESIGN REVIEW
COMMUNITY ARTS
& EDUCATION
OPS SYMPHONY CONCERTS
PUBLIC ART PROGRAM

STREET ARTISTS LICENSES
SUITE 70
415 252 2581

ART COMMISSION GALLERY
155 GROVE STREET
415 554 9682

CITY AND COUNTY OF
SAN FRANCISCO

M. Chamberland, said he did not want to cause conflict and would not pursue his request to be close to Hyde Street but would investigate the possibility of a location further down Beach Street, away from the artists.

B. **Application for pushcart stand to sell mounted i-beams and rivets from Golden Gate Bridge. (J. Hurley, applicant)** The applicant, Mr. J. Hurley, stated that in 1988 he purchased 80,000 lbs of cable and rivets from the Golden Gate Bridge, has already used 50,000 lbs., and wants to sell the remainder as a street peddler. The problem, he said, is that all the best locations were given to the street artists and there is nothing left for pushcart peddlers. He asked that the artists relinquish one of their spaces on Beach Street for him.

Mr. Lazar clarified that the artists have been restricted to only a three-block prime area at the Wharf, that most of the Wharf which is highly viable has been prohibited to the artists but not to peddler licensees like the penny-machine squasher, and that, as it is, the artists have lost through the years over 100 viable spaces at the Wharf.

Commissioner Zenni clarified that the Street Artists Program had 500 artists who compete in their lotteries for less than 200 viable spaces throughout the city.

Ms. Eva Liebermann, Planner, Department of City Planning, submitted copies of an excerpt from the policy draft of the "Fisherman's Wharf Area Plan" being developed for the past several years with the collaboration of Ms. Liebermann's department, other City agencies including the Art Commission, and the citizens. Ms. Liebermann said that 44 citizens advisory committee meetings have been held, as well as 97 Planning subcommittee meetings, resulting in the citizens' substantial support of the plan. It will go to the Planning Commission as soon as the environmental analysis is completed - hopefully, this summer. Once it is adopted by the Planning Commission, it becomes part of the master plan of the city.

Ms. Liebermann submitted a map of the pedestrian traffic flow in the Wharf and described how 60% of the Wharf's visitors arrive at its eastern end; the majority walk along Jefferson Street and come up Hyde Street to Beach Street where they are joined by the people waiting for the cablecar (at the critical location where the street

artist displays begin).

Ms. Liebermann referred to the "Wharf Area Plan" Policy 4: "Allow street activities such as sidewalk vendors, artists and performers in the tourist area, but only in locations where they will not create problems. ... Nor should these encroachments be located where they would reduce the effective width of the sidewalk to less than 6 feet or to a width where the pedestrian flow would exceed four persons per minute per foot for an hour during the say ... pedestrian flow which is categorized as 'constrained' ..." Ms. Liebermann said that the effective sidewalk width for the requested location would be reduced to less than six feet for pedestrians; in addition, the location represented a very "constrained" situation. She asked that the Commissioners consider the Plan's Policy 4 as a tool for directing the peddler's applications and that additional permits in this particular location not be endorsed.

Mr. Alessandro Baccari, Executive Director of the Fisherman's Wharf Merchants Association, stated that much effort has gone into the preservation of the geographical area in question so that the economy could be nurtured. At present, the area's economy is off by 30%. Both the stores and the street artists have fallen on hard times. He asked that the Commission, therefore, take a protective position with reference to the street artists who were trying very hard to live in harmony with the merchants. If additional locations are allowed for vendors, where pedestrians cannot walk due to congestion, the harmony will be disrupted. He asked that the Commission send the two requests back to the Police with a recommendation of denial.

Mr. Stanley Roth, President of Cart Wheels, stated that he owns the hot dog pushcart on Beach Street at Hyde; next to him is a stand selling kites. Opposite them, adjacent to the curb, are the recently-obtained two street artist spaces scheduled for final review by the Board of Supervisors after summer. While the street artists are accommodating and move their displays as far back to the curb as they can to allow the widest passageway for pedestrians, the area on busy days becomes a "gauntlet" due to the pushcart customers and the artists' customers. The addition of two more pushcarts would further restrict the passageway, causing serious congestion. In addition, the Police Code

specifically states that a pushcart has to be eighteen inches away from the curb; therefore, the two applicants cannot be opposite the curb and against the wall fronting the park. The only reason why Mr. Roth's cart and the kite peddler's are there is because they were "grandfathered" prior to passage of the peddler's ordinance in 1983 and are exempt from the curb regulation.

Street Artists John Shaw and John Bass opposed the two requests for the following reasons: (1) the sale of candy apples and part of the Golden Gate Bridge amidst the street artists will destroy the uniqueness of the Street Artists Program; and (2) the addition of the two peddlers would drastically reduce the area of sidewalk reserved for pedestrians.

Ms. Edith McMillan, member of the public, asked the Commissioners not to endorse the requests for peddler licenses. She also submitted a written statement citing the duplication and agency fragmentation of licensing in general by the City, the cost expended by the Police in issuing licenses, and, in comparison, the self-sustaining, "well-working" and "cost-effective" street artist licensing program run by the Art Commission. She asked that the Commission help to alleviate the City's budget crisis by eliminating licensing fragmentation and enlarging the scope of the Program Director's overview of street artists and all peddler licenses, as well as their enforcement.

Commissioner Bechtle stated that it would be inappropriate for the Commission ro relinquish selling spaces at a time when the street artists are suffering and require more spaces. She recommended that the Police not issue peddler licenses for the requested location.

Commissioner Zenni stated that especially since there are more qualified street artists than the number of spaces, she would oppose relinquishing any of their spaces. In addition to having 500 artists to consider, the Commission also cares about the interests of the merchants as well as the flow of pedestrian traffic and other safety factors.

Commissioner Simon opposed the two requests for the reasons that their presence could clutter the area, that the Commission's job is to try to preserve the selling areas of the artists, and that the Commission

is making great effort to promote good will between the merchants and the artists.

Commissioner Demetrios stated that his Commission must support the artists and do whatever it could to maintain the community spirit of the Program; he therefore would urge that the Commission oppose the two peddler requests.

Commissioner Zenni moved that the Art Commission oppose the requests by applicants M. Chamberland and J. Hurley for Police peddler licenses on Beach Street, north side, at Hyde Street; the motion was seconded by Commissioner Bechtle and unanimously approved.

II **HEARING ON REQUESTING BOARD OF SUPERVISORS TO RE-DESIGNATE FIVE (5) STREET ARTIST SPACES ON MARKET STREET, SOUTH SIDE, SUTTER AND SANSOME STREETS (ADJACENT TO CHEVRON BUILDING)**

Mr. Lazar stated that during the last Christmas season, the Street Artists Program negotiated with The Greater Market Street Development Association and representatives of the Chevron Building, Tishman Speyer Properties, and The Empire Group, and obtained from the Board of Supervisors twelve additional selling spaces on Market Street for the Christmas season. Five of these, adjacent to the Chevorn building, were designated for six months. It was now time to re-negotiate for their continuation.

Ms. Carolyn Diamond, Executive Director of The Market Street Association (formerly The Greater Market Street Development Association), stated that she contacted members of her Association regarding the Program's request for re-designation of the five spaces on a permanent basis, and there was no objection.* Her organization, however, has requested that the spaces be marked clearly on the sidewalk, and that the Street Artists Program help monitor the illegal vendors who have been selling there. Her group wanted to see Mr. Lazar continue to coordinate with the Police in enforcing the area.

Street Artists John Nieder and John Bass expressed their support of the request and stated that (1) the enforcement

* Mr. Lazar contacted Mr. W. H. Steele of The Chevron Companies, with whom the Program had negotiated last Christmas; Mr. Steele said he would attend the Program Committee hearing and oppose the request for re-designation. Mr. Steele did not appear.

of the area by the regular Police officers was low on their priorities; (2) there have been two charitable solicitors for whom, officers have said, it is questionable whether the Police Department performned "due dilligence" in investigating their backgrounds prior to issuing them permits to sell their merchandise; and (3) some former street artists who have lost their licenses have been selling there and helping to make it look like a "flea market."

Commissioner Demetrios verified with Mr. Nieder that he wanted to see a larger proportion of the street artist license fees used for enforcement.

Citing the success of Police enforcement, paid for by the Program, in the Wharf area during the recent Memorial Day weekend, Mr. Lazar proposed that the Program hire a Police officer to patrol the Chevron spaces and also Hallidie Plaza which has attracted the sales activities of illegal vendors and at least one former street artist whose license was revoked.

Commissioner Zenni, noting that the merchants' endorsement of the spaces was contingent on the Police patroling the area, stated that the Commission would be remiss in requesting the spaces without having the Program fund Police to be there.

Commissioner Simon stated that the Commission's recently approved request for a non-refundable street artist application fee should increase the income of the Program which would help pay for more Police enforcement. She referred to her own observations of the Program Director getting illegal vendors to leave only to have them return the moment he left the area. The Commissioner said that the Program, if it can afford it, should hire Police for the street artist areas all the time to write citations and confiscate illegal merchandise.

Commissioner Bechtle moved that the Board of Supervisors be requested to re-designate on a permanent basis five street artist selling spaces on Market Street, south side, Sutter and Sansome Streets, and that the Street Artists Program use available license fees to pay for Police enforcement for all street artist selling areas; the motion was seconded by Commissioner Zenni and unanimously approved.

III REQUEST BY APPLICANT FOR SCREENING AND CERTIFICATION

A. **Gary Cicotte** - applied August 6, 1990, moved his residence and never received his notice for screening. Commissioner Bechtle moved that Mr. Cicotte's request for screening be approved; the motion was seconded by Commissioner Simon and unanimously approved.

IV **REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY ISSUANCE OF CERTIFICATE**

A. **Clyde Austin** - Certificate # 3649 expired March 15, 1993; Mr. Austin's request was received May 28, 1993. Commissioner Zenni moved that Mr. Austin's request be approved; the motion was seconded by Commissioner Bechtle and unanimously approved.

V **REQUEST FROM ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS FOR INCREASE IN COMPENSATION**

Mr. Lazar summed up the duties of the Advisory Committee ranging from screening street artist wares to studio visits to drafting screening criteria to monitoring the arts and crafts being sold on the streets - all of which requires expertise in the arts and crafts disciplines. The last increase in the Committee's compensation was approved by the Board of Supervisors in 1990 as $50 per member per meeting or studio visit with a limit of 25 meetings/studio visits per year. The members were now asking for $75 per meeting/studio visit with a limit of 25 meetings/studio visits per year. The Program Director stated that the Program's budget could afford the increase of $3,125 total compensation.

Advisory Committee members Mathew Porkola, Susan Tibbon, and Josie Grant gave the following reasons for their request: (1) in their street monitoring duties, the members would continue to evaluate the Commission's present screening criteria, as well as inspect the artists' wares in order to verify that they are the same items originally approved; (2) the arts are the second largest source of revenue for San Francisco, and the street artists are some of the first contacts enjoyed by visitors; (3) the members represent a total of more than a century of arts and crafts expertise, and it is essential that the Commission's criteria for screening street art continue to be formulated by this expertise; and (4) many artists have told the members they want to see them on the streets more often.

Street Artists Edward Steneck, Sandra Bass, and John Bass expressed their support of the request.

Commissioner Demetrios favored the increase in compensation to cover the Committee's duties which could, in turn, lead to higher quality of art on the streets.

Commissioner Bechtle moved that the Board of Supervisors be requested to increase the rate of compensation for the Advisory Committee of Street Artists and Craftsmen Examiners from $50.00 per member per meeting/studio visit, not to exceed 25 meetings/studio visits per year, to $75.00 per member per meeting/studio visit, not to exceed 25 meetings/ studio visits per year; the motion was seconded by Commissioner Simon and unanimously approved.

VI RECOMMENDATION FROM ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS FOR CRITERIA ON "COMPUTER-GENERATED AND 'NEW TECHNOLOGY' ART"

On May 20, 1993, the Advisory Committee drafted and unanimously voted to recommend to the Art Commission that the following criteria for the certification of arts and crafts under the Street Artists Program be adopted:

COMPUTER-GENERATED AND "NEW TECHNOLOGY" ART:

(1) The artist must demonstrate, in front of the Advisory Committee, creating his/her own images on a computer or other equipment. The artist is required to bring a computer or other equipment with extension cord and necessary components to demonstrate creating the art with the equipment.

(2) Images not of the artist's own creation must be significantly altered in form and shall be examined for approval on a case-by-case basis.

(3) All computer-generated or other printed work must bear the artist's printed signature, initials, logo, or name of business on or near the image.

(4) All laser-printed or photocopied images are subject to the same criteria as for commercially printed items - that is, limited to 500 per edition.

Commissioner Demetrios recommended that in Criterion # 1 the phrase "on a new disk of" be inserted between the

words "images" and "a computer or other equipment." Commissioner Bechtle moved that the proposed criteria be so amended; the motion was seconded by Commissioner Simon and unanimously approved.

Commissioner Zenni expressed reservations about the allowance of artists to sell multiple copies of their work next to artists who sell one-of-a-kind items. Program Director Lazar responded that many years ago City Attorney Agnost issued an opinion clarifying that the Art Commission was required to license street artists to sell cassette tape recordings of their performance, in keeping with the Commission's existing policy of licensing multiple prints of an artist's painting, drawing, or photograph. Commissioner Demetrios, nevertheless, wanted to see a smaller edition of prints allowed by the current proposed criteria.

Commissioner Bechtle moved that the proposed criteria be further amended by replacing the number "500" with the number "50" in the last phrase ; the motion was seconded by Commissioner Simon and unanimously approved. The criteria as amended was moved, seconded, and unanimously approved.

VII **JOINT COMMITTEE (STREET ARTISTS PROGRAM COMMITTEE AND ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS) HEARING ON PROPOSALS FOR NEW CRITERIA FOR "BEADSTRINGING"**

Program Director Lazar stated that some of the reasons for complaints received about the lack of originality and the similarity of much of the beadcraft sold on the streets are (1) the artists' use of the same bead components, and (2) the artists' copying each other in their arrangements of the bead components. In addition, while present criteria prohibits the use of commercially manufactured pendants in earrings and necklaces, unless approved on a case-by-case basis by the Advisory Committee, many of the beadcrafters are blatantly, without authorization, displaying such pendants in their work. Finally, there are licenseholders who are selling beadstrung items which they have purchased and have not altered at all.

In contrast with these problems, the Program Director pointed to those street artists who create highly skilled, original beadcraft designs and also incorporate other media in their beaded designs: metal, shell, wood, paper. Some artists make their own metal, ceramic, glass, or paper pendants. Their outstanding work has elevated the reputa-

tion of the Program. While they use beads in their work, the originality of their items is such that it is possible for a customer to distinguish the differences in their items from across the street. Mr. Lazar wanted to see this factor in the work of all beadstringers in the Program.

To achieve this, should the Commission re-write its criteria to ensure that every beadstringer creates only unique work? Or should the Commission first aggressively enforce its existing criteria governing pendants as well as single-bead, single-strand necklaces?

Street Artist Abby Ellis presented samples of her beaded necklaces and stated she did not want to add other components to her strands. Street Artist John Bass stated that new rules without adequate enforcement would not work and proposed that the Commission prescribe that necklaces be strung only on specifically approved, high quality brands or cord. Street Artists Edward Steneck and Sharon MacDougal called for aggressive enforcement of the existing criteria.

Advisory Committee Chairman Mathew Prokola clarified that beadcraft is the Program's only craft specifically composed of elements made exclusively for the purpose of assembly; its art exists in design. How to draft design standards has been the on-going problem. He added that his Committee favored dropping the pendant criteria altogether and prohibiting anyone from using commercially manufactured pendants.

Advisory Committee member Josie Grant said that her Committe wanted to see the criteria prohibiting single-bead, single-strand necklaces enforced and wanted to see design patterns in necklaces.

Commissioner Demetrios stated that this item would be continued to the next meeting.

The meeting adjourned at 6:07 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

DOCUMENTS DEPT.
JUL 06 1993
SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO ART COMMISSION

STREET ARTISTS PROGRAM COMMITTEE

Wednesday, July 14, 1993 - 4:00 p.m.
Art Commission Conference Room
25 Van Ness Avenue, Suite 70 (basement area)
San Francisco, California

A G E N D A

Note: Public testimony is invited and shall be limited to three (3) minutes per person. No member of the public or witness shall cross-examine another member of the public or witness unless approved by the Program Committee.

4:00 - 4:45 p.m.:

I JOINT COMMITTEE (STREET ARTISTS PROGRAM COMMITTEE AND ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS) HEARING ON PROPOSALS FOR **NEW CRITERIA FOR "BEAD-STRINGING"** (continued from 6/9/93 meeting)

4:45 p.m.:

II HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. **Keith Hillius - Certificate # 3055.** Alleged violations: (1) Conducting business in a disorderly and improper manner (verbal abuse of Advisory Committee member); (2) Obstructing the duty of a staffperson.

B. **Jose Ruiz - Certificate # 3670.** Alleged violations: (1) Displaying items (leather and fabric belts) not of the artist's own creation; (2) Conducting business in a disorderly, improper or hazardous manner (verbal harrassment of one artist; threats against another artist).

C. **Robert Siu - Certificate # 4361.** Alleged violations: (1) Displaying items (leather and fabric belts) not of the artist's own creation; (2) Conducting business in an improper manner (aiding and abetting a revokee in displaying leather and fabric belts).

D. **Marilyn Fong - Certificate # 919.** Alleged violation: Displaying items (charm-pendants on earwires; earrings) not of the artist's own creation.

E. **Rafael Mendoza - Certificate # 4415.** Alleged violation: Selling in a location not designated by the Board of Supervisors.

III NEW BUSINESS

MAYOR
Frank M. Jordan

COMMISSIONERS
Anne Healy
President
John Kriken
Vice President
Nancy Bechtle
Aristides Demetrios
Alonzo King
Willis E. Kirk
Robert E. LaRocca
Ginny Lim
Ray Y. Okamoto
Dodie Rosekrans
Terri Simon
Liza Zenni

EX OFFICIO MEMBERS
Presidents of the
Fine Arts Museums
Library Commission
Planning Commission
Recreation &
Park Commission

DIRECTOR OF
CULTURAL AFFAIRS
Joanne Chow Winship

PROGRAMS
Civic Art Collection
Civic Design Review
Community Arts
& Education
OPS Symphony Concerts
Public Art Program

Street Artists Licenses
Suite 70
415 252.2581

Art Commission Gallery
155 Grove Street
415 554 9682

City and County of
San Francisco

SAN FRANCISCO ART COMMISSION
ACCESSIBLE MEETING POLICY

1. Full Commission Meetings, and individual Committee Meetings of the Art Commission will be held at 25 Van Ness Avenue, Suite 70, San Francisco, CA. Twenty Five Van Ness is located on the corner of Oak and Van Ness. Suite 70, basement level, can be accessed by the two main elevators in the lobby of the building.

2. The closest accessible BART Station is the Civic Center Station located at the intersection of Market, Hyde and Grove Street. Accessible MUNI Metro lines serving this location are the J,K,L,M, and N which stop at Van Ness Avenue and Market Street, one-half block from the Art Commission offices. Accessible MUNI lines serving the corner of Van Ness and Market are 9,26,and 42. for more information regarding MUNI accessible services, please call (415) 923-6142.

3. American sign language interpreters and/or a sound enhancement system will be available upon request at meetings. Please contact Sonia Gray in the Community Arts and Education Program at (415) 554-9671 at least 72 hours prior to meeting. Late requests will be honored if possible.

4. To allow individuals with environmental illness or multiple chemical sensitivity to attend any meetings, individuals are requested to refrain from wearing perfume or other scented products.

5. Accessible curbside parking has been designated on Oak Street between Van Ness Avenue and Franklin Street.

6. Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

DOCUMENTS DEPT.
AUG 05 1993
SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO ART COMMISSION

STREET ARTISTS PROGRAM COMMITTEE

Wednesday, August 11, 1993 - 4:00 p.m.
Art Commission Conference Room
25 Van Ness Avenue, Suite 70 (basement area)
San Francisco, California

A G E N D A

Note: Public testimony is invited and shall be limited to three (3) minutes per person. No member of the public or witness shall cross-examine another member of the public or witness unless approved by the Program Committee.

4:00 - 4:45 p.m.:

I JOINT COMMITTEE (STREET ARTISTS PROGRAM COMMITTEE AND ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS) HEARING ON PROPOSALS FOR **NEW CRITERIA FOR "BEAD-STRINGING"** (continued from 6/9/93 meeting)

4:45 p.m.:

II HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. **Keith Hillius - Certificate # 3055.** Alleged violations: (1) Conducting business in a disorderly and improper manner (verbal abuse of Advisory Committee member); (2) Obstructing the duty of a staffperson.

B. **Jose Ruiz - Certificate # 3670.** Alleged violations: (1) Displaying items (leather and fabric belts) not of the artist's own creation; (2) Conducting business in a disorderly, improper or hazardous manner (verbal harrassment of one artist; threats against another artist).

C. **Robert Siu - Certificate # 4361.** Alleged violations: (1) Displaying items (leather and fabric belts) not of the artist's own creation; (2) Conducting business in an improper manner (aiding and abetting a revokee in displaying leather and fabric belts).

D. **Marilyn Fong - Certificate # 919.** Alleged violation: Displaying items (charm-pendants on earwires; earrings) not of the artist's own creation.

E. **Rafael Mendoza - Certificate # 4415.** Alleged violation: Selling in a location not designated by the Board of Supervisors.

III NEW BUSINESS

MAYOR
Frank M. Jordan

COMMISSIONERS
Anne Halsted
PRESIDENT
John Kriken
VICE PRESIDENT
Nancy Bechtle
Aristides Demetrion
Alonzo King
Willis E. Kirk
Robert E. LaRocca
Genny Lim
Ray Y. Okamoto
Dodie Rosekrans
Heri Simon
Liza Zinni

EX OFFICIO MEMBERS
Presidents of the
Fine Arts Museums
Library Commission
Planning Commission
Recreation &
Park Commission

DIRECTOR OF
CULTURAL AFFAIRS
Joanne Grow Wright

PROGRAMS
Civic Art Collection
Civic Design Review
Community Arts
& Education
Mayor's Symphony Concerts
Public Art Program

Street Artists License
Split 70
415.252.2581

Art Commission Gallery
155 Grove Street
415.554.9685

CITY AND COUNTY OF
SAN FRANCISCO

ACCESSIBILITY INFORMATION

**Pursuant to City policy and the requirements of the 1973 Rehabilitation Act and the 1990 Americans with Disabilities Act, all City agencies will make reasonable accommodations to the needs of persons with disabilities.*

Full Commission Meetings, and individual Committee Meetings of the Art Commission will be held at 25 Van Ness Avenue, San Francisco, located on the corner of Oak and Van Ness. All meetings are held in Suite 70, basement level, and can be accessed by the two main elevators in the lobby of the building.

Accessible seating for persons with disabilities, including those in wheelchairs, will be available.

Accessible curbside parking has been designated on Oak Street between Van Ness Avenue and Franklin Street.

Accessible MUNI lines that serve this location are:

J, K, L, M, and N Trains--stopping at Van Ness and Market, one-half block from the building.

9, 26, and 42 Buses--serving the area of Van Ness and Market.

Civic Center BART, located at the intersection of Grove, Hyde, and Market Streets.

For more information on accessible transit, call (415) 923-6142.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our **accessibility hotline at (415) 554-8925** to discuss meeting accessibility. In order to assist the city's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accomodate these individuals.

American sign language interpreters and/or a sound enhancement system will be available upon request at meetings. Please contact Sonia Gray in the Community Arts and Education Program at (415)554-9671 at least 72 hours prior to meeting. Late requests will be honored if possible.

SF
A70
#1
9/1/93

S F
A C

SAN FRANCISCO ART COMMISSION

DOCUMENTS DEPT.
SEP 8 - 1993
SAN FRANCISCO
PUBLIC LIBRARY

STREET ARTISTS PROGRAM COMMITTEE

August 11, 1993
Art Commission Conference Room
25 Van Ness Avenue, Suite 70
San Francisco, California

M I N U T E S

Commissioners present: Aristides Demetrios, Terri Simon

Staff present: Director of Street Artists Program Howard Lazar
Certification Clerk Antoinette Butt

Commissioner Demetrios, Chairman, called the meeting to order at 4:05 p.m. and clarified that the Committee now consisted of two members: Commissioner Simon and himself. Commissioner Zenni was about to have her baby, and Commissioner Bechtle resigned from the Art Commission.

I **JOINT COMMITTEE (PROGRAM COMMITTEE AND ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS) HEARING ON PROPOSALS FOR NEW CRITERIA FOR "BEADSTRINGING"** (continued from 6/9/93 meeting)

Program Director Lazar presented photos taken by Advisory Committee member Josie Grant of various displays of bead-strung jewelry. The photos illustrated the problems and criticism engendered by street artists who use exclusively commercially manufactured beads: earrings and necklaces with pendants not altered by the artists and visually dominating the jewelry; identical bead arrangement designs on many tables.

Commissioner Demetrios stated that the Art Commissioners at the recent full Commission meeting discussed what they felt were long-range problems of the Program. He added that his committee is the only committee of the Commission which can pass judgment on a person's livelihood; to that end, his committee would support its staff's decisions. Furthermore, the Commission had discussed raising the quality of street art; Commissioner Demetrios said that setting perameters on beadcraft would be a step in that direction.

Commissioner Demetrios also stated that he wanted to explore possible uses of signage to better identify the artists from non-artist peddlers; he would hear the artists' views on this at the next committee meeting.

The Commissioner acknowledged having received a letter from Street Artist Sharon MacDougall requesting that the

MAYOR
FRANK M. JORDAN

COMMISSIONERS
ANNE HEALY
PRESIDENT
JOHN KRIKEN
VICE PRESIDENT
NANCY BECHTLE
ARISTIDES DEMETRIOS
ALONZO KING
WILLIS F. KIRK
ROBERT F. LAROCCA
GENNY LIM
RAI Y. OKAMOTO
DODIE ROSEKRANS
TERRI SIMON
LIZA ZENNI

EX OFFICIO MEMBERS
PRESIDENTS OF THE
FINE ARTS MUSEUMS
LIBRARY COMMISSION
PLANNING COMMISSION
RECREATION &
PARK COMMISSION

DIRECTOR OF
CULTURAL AFFAIRS
JOANNE CHOW WINSHIP

PROGRAMS
CIVIC ART COLLECTION
CIVIC DESIGN REVIEW
COMMUNITY ARTS
& EDUCATION
PS SYMPHONY CONCERTS
PUBLIC ART PROGRAM

STREET ARTISTS LICENSES
SUITE 70
415.252.2581

RT COMMISSION GALLERY
155 GROVE STREET
415.554.9682

CITY AND COUNTY OF
SAN FRANCISCO

Commission allow beadstringers the right to sell necklaces composed entirely of the same type of bead, so long as such necklaces comprised no more than 15% of the displayed merchandise.

Advisory Committee Chairman Mathew Porkola stated that he did not feel percentages were workable as arts and crafts criteria, and that beadcraft is inherently a "design" craft and not a craft of merely stringing beads. He said his committee should be able to approach beadcraft as it already does for silkscreened clothing - that is, to make its decision (as to whether the item should be licensed) on the basis of design. The Advisory Committee, he said, does not consider the act of silkscreening to be in and of itself a craft. Every new design for a shirt must be submitted for approval; otherwise, there would be street artist tables and tables of shirts saying only "SAN FRAN-CISCO" with little or no accompanying art work (as had occurred a few years before with the multitudes of "charitable solicitors" on the streets). To apply this type of screening to beadstringing would not necessarily prohibit a beadstringer from selling some necklaces of the same bead if that is part of the craft's overall design outlook.

Mr. Porkola referred to the notes taken by Advisory Committee member Susan Tibbon and himself on recent monitoring duty at Fisherman's Wharf: they had noted that some fifteen tables of beadcraft were all identical. The only way to deal with this problem, he said, would be to verify, as in screening silkscreened clothing, that each table's beadcraft is distinct in design. Beadstringing is unique inasmuch as no other craft in the Program consists of putting together parts that were exclusively made for assembly. The other crafts require some level of altering or transforming raw materials. Therefore, the only assessable craft of beadstringing is its design.

Mr. Porkola remarked about the frustration expressed by other street artists who have to spend time in their studios casting rings, modeling clay, carving wood, sewing fabric, or painting, while beadstringers are able to make their items at their stands seven days a week.

In response to questions from Commissioner Simon, the Program Director stated that some beadcraft artists have registered two major complaints against the majority of beadstringers: (1) some beadstringers sell items they do

not even string; and (2) there are beadstringers whose products represent the least amount of creative input in either design or execution. In contrast with these complaints, there are bead artists who incorporate found objects in their designs; there are bead artists who blend other materials as wood, metal, or stone with their commercially manufactured beads; and there are bead artists who create their own paper or clay beads and pendants for use with the manufactured beads. These beadcraft displays are each unique and easily recognizable, one from the other, by the public.

Commissioner Demetrios stated that inherent in the word "artist" is the word "creation" which means a transformation or an alteration.

Street Artist Abby Ellis showed the joint committee samples of her necklaces using large pendant beads and found objects (items not manufactured for the purpose of being strung or for assembly).

The following varied comments were made by Street Artists Kris Pokorny, Merlin Willis, Sharon MacDougall, Robert Clark, Tad Sky, and Keith Hillius:

1) Since some bead artists make their own beads and pendants, the Program should control other artists' sale of commercially manufactured pendants.

2) It would be a handicap for artists to have to make their own beads.

3) If an artist uses only commercially manufactured components, the artist's item must be evaluated on the basis of its design.

4) The artists' selling spaces are being taken seven days a week by beadstringers and others who don't have to spend time in a studio creating their craft, and this seriously reduces the opportunity for studio artists to obtain spaces.

5) The Advisory Committee should re-screen those bead artists whose work shows little or no unique or distinctive design input.

6) In proposing new criteria, the Art Commission should consider the difference between "handmade" and "hand-

assembled" because "hand-assembled" does not make the item a craft.

7) While an artist may come up with an original design of beads, his design could be copied by other artists because "it's what sells," and these artists should not be penalized.

8) Beadstringers should be allowed to sell some necklaces composed entirely of the same type of bead, so long as they string such necklaces on quality line.

Commissioner Simon moved that the Program Director and the Advisory Committee draft new language on criteria for "BEADSTRINGING" incorporating the Advisory Committee's proposal, and that this be placed on the next Program Committee agenda; the motion was seconded by Commissioner Demetrios and unanimously approved.

II HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. **Keith Hillius - Certificate # 3055.** Alleged violations: (1) Conducting business in a disorderly and improper manner (verbal abuse of Advisory Committee member); (2) obstructing the duty of a staffperson.

Program Director Lazar gave the background of the case which was initiated by letter-complaint written by Advisory Committee Chairman Mathew Porkola after monitoring the displays of Mr. Hillius and other artists at Fisherman's Wharf.

The Commissioners acknowledged having read the complaint as well as the written responses by Mr. Hillius and witnesses to the incident.

Mr. Porkola stated that the issue raised by his complaint was not that of Mr. Hillius' work but his behavior. Mr. Hillius, he said, had screamed obscenities at him while the Advisory Committee members were performing their monitoring duty.

Mr. Lazar emphasized that what makes a confrontation, as in this case, important is that (1) the City Attorney clarified ten years ago that the Art Commission, as a licensing agency, has the right to send staffpeople to inspect the licenses and sales activities of the street artists; (2) the Commission by resolution directed the Advisory Committee

to perform such monitoring duty; and (3) the City Attorney clarified that the Commission has the authority to suspend or revoke an artist's permit if it finds that the artist obstructed (by any manner) the performance of the monitoring duty by the staffperson.

Mr. Hillius stated that, while he has spent eight years investing time and energy into being a street artist, Mr. Porkola expressed on several occasions his doubt as to the integrity of Mr. and Mrs. Hillius' jewelry, and on the day of the incident, Mr. Porkola provoked him to lose his temper. Mr. Hillius apologized for yelling at Mr. Porkola. He said that when Porkola approached his stand, he, Hillius, had been "stressed out," but he did not come from behind his table and threaten Porkola. He added that he would try to be cordial to Porkola and asked that Porkola respect his work.

Street Artist Maria Hillius stated that at her screening by the Advisory Committee, Mr. Porkola was not present; yet one month leter he came to her table and told her he did not like her work.

Street Artists Larry Rosenbloom, Kris Pokorny, and Robert Siu expressed the following on behalf of Mr. Hillius:

1) His work is clean and polished and may look commercially manufactured but it is not.

2) He shouldn't lose his license because he lost his temper.

3) He did not leave his table, as Porkola alleged, to come behind Porkola and physically threaten him.

Mr. Porkola refuted Mr. Hillius' statement that he had provoked him; he said he never got an opportunity to discuss the artist's work with him, for Hillius vented an immediate tirade against him.

Commissioner Simon stated that, while he understood how stressful it can be to sell on the streets, the artists should nevertheless realize that they are some of the first people the tourists see in San Francisco. Street artists are not the only people who have stress-related jobs. Because the artists deal directly with the public, their attitude and how they present themselves are of the utmost importance. The Commissioner added that before an artist

chooses to lose his/her temper, the artist should think of the consequences and the cost of time and energy in responding to charges before the Art Commission - all of which takes the artist away from making and selling his/her craft.

To Mr. Porkola, Commissioner Simon said that, while on inspection duty, he should be more sensitive at times to the artists. She also felt that to help avoid possible personality clashes, Advisory Committee members should stay together as they inspect each table.

Commissioner Demetrios stated that, in administering the Street Artists Program, the Commissioners have to trust the observations of the staff inspecting the work on the streets. If an artist has a problem with this, the artist may call the Program Director or come to the Program Committee. The Commissioner felt that Mr. Porkola was doing his job properly and that he should not be expected to deal with resistance.

It was noted that there was not a preponderance of evidence to support the charge. Advisory Committee member Josie Grant, the witness on behalf of Mr. Porkola, was out of town; and Mr. Porkola's words against Mr. Hillius' did not constitute a preponderance of evidence.

Commissioner Simon moved that it be recommended that the charges against Mr. Hillius be dismissed due to a lack of preponderance of evidence, and that Mr. Hillius be warned that any future incident of his conducting business in a disorderly or improper manner or of his obstructing the duty of an Art Commission staffperson shall result in suspension or revocation of certificate; the motion was seconded by Commissioner Demetrios and unanimously approved.

Commissioner Demetrios moved that if staff is ever insulted as in a manner similar to that of the previous case's incident, suspension or revocation of certificate without warning shall result; the motion was seconded by Commissioner Simon and unanimously approved.

B. **Rafael Mendoza - Certificate # 4415.** Alleged violation: Selling in a location not designated by the Board of Supervisors.

Program Director Lazar submitted his report with photos alleging that on six occasions Mr. Mendoza was observed

selling in locations not designated by the Board of Supervisors, and that staff had given him warnings.

Mr. Mendoza was not present. It was noted that, according to the Commission's "Hearing Procedure of Street Artist Violations," in the event an artist fails to appear at his/her hearing, the Program Committee may recommend the penalty for which the artist is charged, and that this was stated in the Program's notice of hearing mailed to Mr. Mendoza.

Commissioner Simon moved that it be recommended that Rafael Mendoza be found in violation of the street artist ordinance by selling in locations not designated by the Board of Supervisors, and that Mr. Mendoza's certificate be suspended for a period of three weeks; the motion was seconded by Commissioner Demetrios and unanimously approved.

C. **Jose Ruiz - Certificate # 3670.** Alleged violations: (1) Displaying items (leather and fabric belts) not of the artist's own creation; (2) conducting business in an improper manner (aiding and abetting a revokee in displaying leather and fabric belts).

With respect to the first charge, Program Director Lazar presented his report and photo of Mr. Ruis allegedly selling leather and fabric belts not made by him. In addition, Advisory Committee members Susan Tibbon and Mathew Porkola reported in their notes from monitoring duty that on two other occasions Mr. Ruiz was observed selling such belts. The Program Director stated that on the back of the belts waist size numbers had been stamped in the leather which has been observed to be a feature of commercially manufactured belts.

In addition, the same types of belts were observed on another occasion by staff on the displays of Street Artist Robert Siu, who was not licensed for the belts, and revokee Fernando Hechavarria. This led the Program Director to surmise that the belts were easily obtainable and not made by Mr. Ruiz.

Mr. Ruiz stated that he was licensed to sell braided and sewn belts, and that he ran out of leather and got leather and fabric pieces from Robert Siu and made the belts. He added that the leather tongue pieces came already stamped with waist sizes.

Commissioner Demetrios moved that it be recommended that Jose Ruiz demonstrate making leather and fabric belts, idfentical to those for which he was cited, before the Advisory Committee of Street Artists and Craftsmen Examiners, and that the Advisory Committee's verification be reviewed by the Program Committee for consideration of dismissal of the charge; the motion was seconded by Commissioner Simon and unanimously approved.

With regard to the second charge, Mr. Lazar reported that the two artists who had submitted complaints about having received verbal harrassment and threats from Mr. Ruiz had withdrawn their complaints. Therefore, there was no evidence to pursue the charge. Nevertheless, the Program Director pointed out that nearly a year ago he himself had received a verbal threat from Mr. Ruiz when he asked him to leave an illegal selling space; Ruiz moved his display, and the matter was not pursued. However, the Program Director asked that Ruiz be given a strict warning that verbal harrassment, threats, or other forms of improper conduct of business will not be tolerated.

Mr. Ruiz stated that on the day of the incident with the Program Director he had been feeling ill, and he apologized for his remarks.

Commissioner Simon moved that it be recommended that the charge against Jose Ruiz for conducting business in a disorderly, hazardous, and improper manner be dismissed due to a lack of preponderance of evidence, and that Mr. Ruiz be warned that any future incident of his conducting business in a disorderly, hazardous, and improper manner shall result in suspension or revocation of certificate; the motion was seconded by Commissioner Demetrios and unanimously approved.

D. **Robert Siu - Certificate # 4361.** Alleged violations: (1) Displaying items (leather and fabric belts) not of the artist's own creation; (2) conducting business in an improper manner (aiding and abetting a revokee in displaying leather and fabric belts for sale).

The Program Director reported that his assistant and he observed Mr. Siu displaying for sale the same leather and fabric belts as had been displayed on another occasion by Jose Ruiz (see previous case) and also observed Mr. Siu helping street artist-revokee Fernando Hechavarria pack up a display of the same leather/fabric belts from

an illegal selling location and place the belts into Hechavarria's van, and Hechavarria helping Siu pack up Siu's display of belts into Siu's stationwagon. After the alleged incident, Mr. Siu submitted leather and fabric belts for a screening by the Advisory Committee, but the samples of fabric he showed did not match those depicted in the staff's photos and the Committee did not approve him for certification of the belts.

Mr. Siu stated he did not know that Mr. Hechavarria's certificate had been revoked, and that he himself made the belts and could demonstrate this before the Program Committee.

Mr. Lazar's assistant, Ms. Antoinette Butt, testified to having observed Mr. Siu in the above described activities.

Commissioner Demetrios moved that it be recommended that Robert Siu demonstrate making the leather and fabric belts, identical to those for which he was cited, before the Advisory Committee of Street Artists and Craftsmen Examiners, that the Advisory Committee's verification be reviewed by the Program Committee for consideration of dismissal of the charge, that Mr. Siu be found in violation of the street artist ordinance by having a salesperson, and that Mr. Siu's certificate be suspended for a period of three weeks; the motion was seconded by Commissioner Simon and unanimously approved.

E. **Marilyn Fong - Certificate # 919.** Alleged violation: Displaying items (charm-pendants on earwires; earrings) not of the artist's own creation.

Program Director Lazar submitted his report and photos of Mrs. Fong's display of items allegedly not made by her: "cablecar" charm-pendants and pseudo-jade and brass earrings. This was not the first time she had been observed in this activity. On February 7, 1983, the Art Commission found her in violation for selling commercially manufactured pendants and pendant-haircombs, suspended the penalty, and warned her that any future violation of this type would warrant a one-year suspension. After this, Mrs. Fong received written warnings from two Art Inspectors, regarding her alleged display of commercially made items for sale, in 1987, 1989, and 1991. In addition, the 1989 warning was personally reviewed by the Program Director and the Art Inspector with Mrs. Fong and her husband, and it was verified that the warning was understood.

Speaking on behalf of his wife, Marilyn Fong who was present, Mr. Chung Ray Fong stated that his wife said she saw no difference between attaching beads and not attaching beads to the charm-pendants since all these components are manufactured, and that if she were to attach beads, she would ruin the beauty of the art.

Mr. Lazar clarified that the purpose of the criteria for incorporating beads with pendants was so that a beadstringer would be required to make at least minimal effort in creating a design arrangement, and that Mr. and Mrs. Fong's own son, a licensed street artist, made that effort with his beadcraft.

Commissioner Simon said that the history of the case showed that the artist had been repeatedly warned, and that the artist had been in the Program long enough to know the rules.

Commissioner Simon moved that it be recommended that Marilyn Fong be found in violation of the street artist ordinance by selling items not of the artist's own creation, and that Mrs. Fong's certificate be suspended for a period of two months; the motion was seconded by Commissioner Demetrios and unanimously approved.

There being no further business, the meeting adjourned at 6:20 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

F
470.75
S2
9/22/93

SAN FRANCISCO ART COMMISSION

DOCUMENTS DEPT.
SEP 17 1993
SAN FRANCISCO
PUBLIC LIBRARY

STREET ARTISTS PROGRAM COMMITTEE

Wednesday, September 22, 1993 - 4:00 p.m.
Art Commission Conference Room
25 Van Ness Avenue, Suite 70 (basement area)
San Francisco, California

A G E N D A

Note: Public testimony is invited and shall be limited to three (3) minutes per person. No member of the public or witness shall cross-examine another member of the public or witness unless approved by the Program Committee.

I HEARING ON PROPOSAL BY PROGRAM DIRECTOR FOR BOARD OF SUPERVISORS DESIGNATION OF **TEMPORARY SELLING SPACES** FOR STREET ARTISTS IN **DOWNTOWN** AREA FOR **CHRISTMAS SEASON**, 1993-94

Program Director's proposal: the same spaces approved by Board of Supervisors last year (Res. Nos. 926-92 and 994-92) with the exception of 5 spaces on Market Street, south side, 2nd to 1st Streets (adjacent to Chevron Building), which are being considered by Board of Supervisors as permanent spaces; total number requested: 59; duration of temporary usage: November 15, 1993 - January 15, 1994 (same time period designated for last three years).

II HEARING ON PROPOSAL BY PROGRAM DIRECTOR TO AMEND HEARING PROCEDURE OF STREET ARTIST VIOLATIONS BY DELETING PROVISION FOR APPEAL TO FULL ART COMMISSION; PROVIDING FOR HEARING TO BE CONDUCTED BY EITHER PROGRAM COMMITTEE OR ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS; AND PROVIDING FOR APPROVAL OF COMMITTEE RECOMMENDATIONS BY STREET ARTISTS PROGRAM DIRECTOR

III HEARING ON ADOPTION OF NEW CRITERIA FOR "BEADSTRINGING" DRAFTED BY ADVISORY COMMITTEE AND PROGRAM DIRECTOR (continued from 8/11/93 meeting)

Proposed criteria: "BEADSTRINGING (using only commercially manufactured beads): The Advisory Committee shall verify whether the beadcraft item's commercially manufactured bead components are significantly or predominantly altered in form by the item's design arrangement. No more than 15% of an artist's displayed beadcraft may be of items comprised entirely of the same type of bead. All commercially manufactured pendants are not allowed unless approved as an integral part of the item's design arrangement. At least two dozen finished samples of each type of beadcraft jewelry (bracelets, necklaces, earrings) are required to be submitted for certification.

Continued.....

MAYOR
Frank M. Jordan

COMMISSIONERS
Anni Heath
President
John Kriken
Vice President
Nancy Bechtel
Aristides Demetrios
Alonzo King
Willis E. Kirk
Robert F. LaRocca
Genny Lim
Rai Y. Okamoto
Dodie Rosekrans
Terri Simon
Liza Zenni

EX OFFICIO MEMBERS
Presidents of the
Fine Arts Museums
Library Commission
Planning Commission
Recreation &
Park Commission

DIRECTOR OF
CULTURAL AFFAIRS
Joanne Chow Winship

PROGRAMS
Civic Art Collection
Civic Design Review
Community Arts
& Education
POPS Symphony Concerts
Public Art Program

Street Artists Licenses
Suite 70
415.252.2581

Art Commission Gallery
155 Grove Street
415.554.9682

City and County of
San Francisco

IV HEARING ON PROPOSAL BY PROGRAM DIRECTOR TO AMEND LOTTERY RULES BY PROVIDING FOR THE PERSON RUNNING THE LOTTERY TO CHECK THE VALIDITY OF AN ARTIST'S CERTIFICATE PRIOR TO THE ARTIST SIGNING IN FOR A SELLING SPACE (AMENDING LOTTERY RULE VIII, "LOTTERY PROCEDURE")

V HEARING ON ARTISTS' PROPOSAL TO REQUEST BOARD OF SUPERVISORS TO DESIGNATE TEMPORARY SELLING SPACES VALID FOR SATURDAYS ONLY

VI HEARING TO CONSIDER PROPOSALS FOR SIGNAGE IDENTIFYING STREET ARTISTS

VII REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. **Carol Davis** - Certificate #4200 expired February 14, 1993; request received by Program on August 12, 1993.

VIII NEW BUSINESS

ACCESSIBILITY INFORMATION

**Pursuant to City policy and the requirements of the 1973 Rehabilitation Act and the 1990 Americans with Disabilities Act, all City agencies will make reasonable accommodations to the needs of persons with disabilities.*

Full Commission Meetings, and individual Committee Meetings of the Art Commission will be held at 25 Van Ness Avenue, San Francisco, located on the corner of Oak and Van Ness. All meetings are held in Suite 70, basement level, and can be accessed by the two main elevators in the lobby of the building.

Accessible seating for persons with disabilities, including those in wheelchairs, will be available.

Accessible curbside parking has been designated on Oak Street between Van Ness Avenue and Franklin Street.

Accessible MUNI lines that serve this location are:

J, K, L, M, and N Trains--stopping at Van Ness and Market, one-half block from the building.

9, 26, and 42 Buses--serving the area of Van Ness and Market.

Civic Center BART, located at the intersection of Grove, Hyde, and Market Streets.

For more information on accessible transit, call (415) 923-6142.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our **accessibility hotline at (415) 554-8925** to discuss meeting accessibility. In order to assist the city's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accomodate these individuals.

American sign language interpreters and/or a sound enhancement system will be available upon request at meetings. Please contact Sonia Gray in the Community Arts and Education Program at (415)554-9671 at least 72 hours prior to meeting. Late requests will be honored if possible.

DOCUMENTS DEPT.
SEP 2 8 1993
SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO ART COMMISSION

STREET ARTISTS PROGRAM COMMITTEE

September 22, 1993
Art Commission Conference Room
25 Van Ness Avenue, Suite 70
San Francisco, California

M I N U T E S

Commissioners present: Aristides Demetrios, Terri Simon

Staff present: Director of Street Artists Program Howard Lazar
Certification Clerk Antoinette Butt

Commissioner Demetrios, Chairman, called the meeting to order at 4:37 p.m.

I HEARING ON PROPOSAL BY PROGRAM DIRECTOR FOR BOARD OF SUPERVISORS DESIGNATION OF TEMPORARY SELLING SPACES FOR STREET ARTISTS IN DOWNTOWN AREA FOR CHRISTMAS SEASON, 1993-94

Program Director Lazar submitted his proposal for temporary selling spaces for the Christmas season: the same spaces approved by the Board of Supervisors the previous year (Resolutions Nos. 926-92 and 994-92) with the exception of 5 spaces on Market Street, south side, 2nd to 1st Streets (adjacent to Chevron Building), which have been approved by the Board of Supervisors as permanent spaces; total number requested: 59; duration of temporary usage: November 15, 1993 - January 15, 1994 (the same period designated for the previous three years).

The Program Director reported that his office sent notice of this hearing to 41 downtown merchants and merchant and building owner associations. Of these, Mr. Edward Lawson, Executive Director of Union Square Association, asked Mr. Lazar to inform the Commissioners that his group would not contest the matter, since no new spaces were being proposed. In addition, a letter was received from Ms. Carolyn Diamond, Executive Director, Market Street Association, which stated that the members of her organization who would be affected by the holiday sites had no objections to having the street artists in front of their establishments.

The Commissioners noted that no store merchants or building owners were present.

Commissioner Simon moved that the Board of Supervisors be requested to designate temporary street artist selling spaces in the downtown area, as detailed in the Program Director's proposal, for the Christmas season, commencing

MAYOR
Frank M. Jordan

COMMISSIONERS
Anni Healy
President
John Kriken
Vice President
Nancy Bechtle
Aristides Demetrios
Alonzo King
Willis F. Kirk
Robert F. LaRocca
Genny Lim
Rai Y. Okamoto
Dodie Rosekrans
Terri Simon
Liza Zinni

EX OFFICIO MEMBERS
Presidents of the
Fine Arts Museums
Library Commission
Planning Commission
Recreation &
Park Commission

DIRECTOR OF
CULTURAL AFFAIRS
Joanni Chow Winslow

PROGRAMS
Civic Art Collection
Civic Design Review
Community Arts
& Education
'S Symphony Concerts
Public Art Program

Street Artists License
Suite 70
415.252.2581

T Commission Gallery
155 Grove Street
415.554.9682

City and County of
San Francisco

November 15, 1993 and ending January 15, 1994; the motion was seconded by Commissioner Demetrios and unanimously approved.

II **HEARING ON PROPOSAL BY PROGRAM DIRECTOR TO AMEND HEARING PROCEDURE OF STREET ARTIST VIOLATIONS**

The Program Director reported that the City Attorney's office required more time to investigate the proposal. Commissioner Demetrios tabled this item.

III **HEARING ON ADOPTION OF NEW CRITERIA FOR "BEADSTRINGING" DRAFTED BY ADVISORY COMMITTEE AND PROGRAM DIRECTOR** (continued from 8/11/93 meeting)

As per the directive of the Program Committee and the full Art Commission, the Advisory Committee of Street Artists and Craftsmen Examiners and the Program Director drafted the following criteria for "BEADSTRINGING (using only commercially manufactured beads)":

> The Advisory Committee shall verify whether the beadcraft item's commercially manufactured bead components are significantly or predominantly altered in form by the item's design arrangement. No more than 15% of an artist's displayed beadcraft may be of items comprised entirely of the same type of bead. All commercially manufactured pendants are not allowed unless approved as an integral part of the item's design arrangement. At least two dozen finished samples of each type of beadcraft jewelry (bracelets, necklaces, earrings) are required to be submitted for certification.

It was noted that the wording of the first sentence was in keeping with that of the definition of "Handcrafted Item" in Ordinance 41-83: "An item whose components are significantly or predominantly altered in form."

Advisory Committee members Mathew Porkola and Susan Tibbon requested that the "15%" provision be deleted because strands of the same type of bead look like those which are commercially available and would be difficult to enforce. The members stressed that all items on a beadcrafter's table should be significantly altered in design.

Street Artist Sharon MacDougall objected and stated that her work, which includes some necklaces of the same type of bead, is entirely made by her and therefore fits the

handcrafted item definition. She also pointed out that at the last hearing, the Program Committee agreed to a compromise of allowing no more than 15% of an artist's beadcraft to be items of the same type of bead.

Street Artist Bill Clark stated that the Commission had already placed limitations in the criteria for other crafts - for example, a limitation on the sale of commercially made prints of an artist's original work. The Commission could place a limit on the sale of each design of a single type of bead necklace.

Street Artist Edward Steneck proposed that the Art Commission have the new criteria translated and printed in Chinese.

Commissioner Simon moved that the proposed criteria be amended by inserting the word "total" between the words "artist's" and "displayed beadcraft"; the motion was seconded by Commissioner Demetrios and unanimously approved.

Commissioner Simon moved that the proposed criteria for "BEADSTRINGING (using only commercially manufactured beads)", as amended, be adopted; the motion was seconded by Commissioner Demetrios and unanimously approved.

Commissioner Simon moved that the above criteria, as amended, be scheduled for review by the Program Committee in three months; the motion was seconded by Commissioner Demetrios and unanimously approved.

Commissioner Demetrios moved that the above criteria, as amended be translated into various languages necessary for the artists of the Street Artists Program; the motion was seconded by Commissioner Simon and unanimously approved.

IV REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

Carol Davis - Certificate # 4200 expired February 14, 1993; her request for priority was received by the Program on August 12, 1993. Ms. Davis stated that she had allowed her certificate to lapse because she had gone to Los Angeles to be with her mother who was ill, that she had stayed with her for several months, and that she had not known when she would return to San Francisco.

Commissioner Simon moved that Carol Davis's request for

priority issuance of certificate be approved; the motion was seconded by Commissioner Demetrios and unanimously approved.

V **HEARING ON PROPOSAL BY PROGRAM DIRECTOR TO AMEND LOTTERY RULE VIII, "LOTTERY PROCEDURE," BY PROVIDING FOR THE PERSON RUNNING THE LOTTERY TO VERIFY THE VALIDITY OF AN ARTIST'S CERTIFICATE PRIOR TO THE ARTIST SIGNING IN FOR A SELLING SPACE**

The Program Director explained that the Lottery Committee has not been checking for valid certificates, and that it had been reported that some artists whose certificates had expired were allowed to choose spaces while other artists with valid certificates were unable to obtain a space because of their poor numbers drawn from the lottery. Even though artists with expired certificates have a ten-day grace period in which to renew, the ten-day grace period is not an extension of time in which to sell. The Program Director proposed that the Art Commission's LOTTERY RULE VIII, "LOTTERY PROCEDURE," be amended as follows (additional language underlined; deleted language in ((double parentheses))):

> Committee member and three helpers on main lottery days begin one half hour before lottery time (9:00 a.m.) to list name, certificate number, and craft on a blue or gold lottery slip (depending on the lottery area). ((Committee members and/or helpers are responsible for entering only valid certificate numbers into lotteries.)) The person (lottery member or helper) running the lottery shall check the validity of each artist's certificate prior to the artist's signing in for a lottery space. Any artist whose certificate has expired and is or is not within the ten-day grace period for renewal shall not be allowed to sign in for a selling space.

Commissioner Simon moved that the proposed language be amended by deleting the words "(lottery member or helper) running the lottery" and inserting the words "assigning the spaces" between the words "The person" and "shall check"; the motion was seconded by Commissioner Demetrios and unanimously approved.

Commissioner Simon moved that the above proposed language, as amended, amending LOTTERY RULE VIII, "LOTTERY PROCEDURE", be adopted; the motion was seconded by Commissioner

Demetrios and unanimously approved.

VI HEARING ON ARTISTS' PROPOSAL TO REQUEST BOARD OF SUPERVISORS TO DESIGNATE TEMPORARY SELLING SPACES VALID FOR SATURDAYS ONLY

Street Artist Bill Clark stated that at the present time he did not have actual selling sites to propose, but he asked that the Commission approve the concept of requesting the Board of Supervisors to designate spaces that would (a) be temporary and (b) used only by the artists on Saturdays. This would increase the total number of spaces for which the artists could compete in their Saturday lottery which, in terms of the number of artists, is the largest lottery of the week. He asked that, upon approving the concept, the Commission put over this matter for a few months in order to invite artists to submit proposals for actual spaces in various neighborhoods of San Francisco.

Commissioner Simon stated that she has sensed in recent months that the merchants have become more accepting of the Street Artists Program and would probably be willing to consider such temporary, one-day spaces. Commissioner Demetrios said he wanted to see this proposal city-wide.

Commissioner Simon moved that the Commission approve the concept of requesting the Board of Supervisors to designate temporary selling spaces on a city-wide basis valid for Saturdays only; the motion was seconded by Commissioner Demetrios and unanimously approved.

VI HEARING TO CONSIDER PROPOSALS FOR SIGNAGE IDENTIFYING STREET ARTISTS

Program Director Lazar reported on estimated costs the Program received for imprinted umbrellas, table skirts, tabletop banners, and sign-and-license holders for 500 street artists, in order to increase the artists' visibility for the public and to help in enforcement of the street artist and peddler laws.

Street Artist Bill Clark proposed that the costs be kept down by providing for an 8" x 10" decal of the street artist logo which appears on the Program's current informational leaflet, and that each artist apply this decal to his/her display. This would allow for the variety of designs of the artists' displays and would still distinguish the artists from unlicensed vendors.

Street Artist Edward Steneck wanted to see the street artist funds spent on more Police enforcement, as per the recent success of Jefferson Street enforcement during summer, rather than spend money on signage. Street Artist Bob Clark said it is City law that all businesses must display their licenses, and that his own customers have thanked him for displaying his. Street Artist Abby Ellis suggested that the artists wear a logo-pin.

Commissioner Demetrios proposed a design or a decal that could be given to the artists and would change weekly (to deter illegal copying); such designs could be printed on a computer.

Commissioner Simon proposed a contest for the artists to submit a proper object and design.

Commissioner Demetrios moved that a competition be held to elicit from the street artists a number of proposals for signage to be reviewed by the Art Commission for a solution to the signage problem, and that the winning prize be $250 privately donated; the motion was seconded by Commissioner Simon and unanimously approved.

Both Commissioners handed the Program Director their personal checks of $125 each for the competition.

The meeting adjourned at 5:53 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

DOCUMENTS DEPT.
NOV 3 1993
SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO ART COMMISSION

STREET ARTISTS PROGRAM COMMITTEE

Wednesday, November 10, 1993 - 4:00 p.m.
Art Commission Conference Room
25 Van Ness Avenue, Suite 70 (basement area)
San Francisco, California

A G E N D A

Note: Public testimony is invited and shall be limited to three (3) minutes per person. No member of the public or witness shall cross-examine another member of the public or witness unless approved by the Program Committee.

I HEARING ON PROPOSAL BY PROGRAM DIRECTOR TO AMEND HEARING PROCEDURE OF STREET ARTIST VIOLATIONS BY DELETING PROVISION FOR APPEAL TO FULL ART COMMISSION; PROVIDING FOR HEARING TO BE CONDUCTED BY EITHER PROGRAM COMMITTEE OR ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS; AND PROVIDING FOR APPROVAL OF COMMITTEE RECOMMENDATIONS BY STREET ARTISTS PROGRAM DIRECTOR

II HEARING ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. **Jose Ruiz - Certificate # 3670.** Alleged violation: Displaying items (leather and fabric belts) not of the artist's own creation. Review of findings from 10/4/93 studio visit conducted by Advisory Committee of Street Artists and Craftsmen Examiners to verify whether Mr. Ruiz creates leather/fabric belts identical to those for which he was cited.

B. **Robert Siu - Certificate # 4361.** Alleged violation: Displaying items (leather and fabric belts) not of the artist's own creation. Review of findings from 10/6/93 studio visit conducted by Advisory Committee of Street Artists and Craftsmen Examiners to verify whether Mr. Siu creates leather/fabric belts identical to those for which he was cited.

C. **Martin Butschek - Certificate # 3300.** Alleged violation: Selling in a location not designated by Board of Supervisors. (Reports submitted by Police Dept. and Street Artists Program.)

D. **Gerard Cracas - Certificate # 1908.** Alleged violation: Selling in a location not designated by Board of Supervisors. (Reports submitted by Police Dept. and Street Artists Program.)

E. **Virginia Burris - Certificate # 2354.** Alleged violation: Selling in a location not designated by Board of Supervisors. (Report submitted by Police Dept.)

Continued.....

MAYOR
Frank M. Jordan

COMMISSIONERS
Anni Healy
President
John Kriken
Vice President
Nancy Bichtel
Aristides Demetrios
Alonzo King
Willis F. Kirk
Robert L. LaRocca
Genny Lim
Rai Y. Okamoto
Dodie Rosekrans
Terri Simon
Liza Zenni

EX OFFICIO MEMBERS
Presidents of the
Fine Arts Museums
Library Commission
Planning Commission
Recreation &
Park Commission

DIRECTOR OF
CULTURAL AFFAIRS
Joanne Chow Winship

PROGRAMS
Civic Art Collection
Civic Design Review
Community Arts
& Education
POPS Symphony Concerts
Public Art Program

Street Artists Licenses
Suite 70
415.252.2581

Art Commission Gallery
155 Grove Street
415.554.9682

City and County of
San Francisco

F. **Reinaldo Coronado - Certificate # 3840.** Alleged violation: Selling in a location not designated by Board of Supervisors. (Report submitted by Police Dept.)

G. **Fermin Diaz - Certificate # 4364.** Alleged violation: Selling in a location not designated by Board of Supervisors. (Report submitted by Police Dept.)

H. **Soon Check Gin - Certificate # 3787.** Alleged violation: Display of items by salesperson on behalf of artist. (Report submitted by street artists.)

III REQUEST BY PROGRAM DIRECTOR FOR AUTHORIZATION TO DESTROY AT ANY TIME FILES OF APPLICANTS AND FORMER CERTIFICATE-HOLDERS WHOSE CERTIFICATES HAVE EXPIRED PRIOR TO AND INCLUDING FIVE YEARS PREVIOUSLY, WITH THE EXCEPTION OF FILES OF THOSE APPLICANTS AND CERTIFICATE-HOLDERS WHOSE CERTIFICATES WERE REVOKED OR AGAINST WHOM DISCIPLINARY ACTION WAS TAKEN

IV REQUEST FROM PROGRAM DIRECTOR FOR RESCISSION OF ART COMMISSION RES. NO. 312-92-163 AND RE-INSTATEMENT OF THE PROCEDURE OF ISSUING TWO (2) CERTIFICATES TO EACH STREET ARTIST

V REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. **Noreen Colt-Richmond.** Certificate # 3924 expired on February 14, 1993; request received October 22, 1993.

B. **Diane Berry.** Certificate # 3939 expired on September 1, 1993; request received November 1, 1993.

C. **Enrique Mendoza.** Certificate # 4449 expired on September 21, 1993; request received November 2, 1993.

D. **Lara Hanson.** Certificate # 4458 expired on September 28, 1993; request received November 2, 1993.

VI REQUEST BY APPLICANT FOR PRIORITY ISSUANCE OF CERTIFICATE

A. **Chin Fong** - wares examined by Advisory Committee on June 24, 1993; did not submit payment for certificate within ten-day allotment period.

VII NEW BUSINESS

ACCESSIBILITY INFORMATION

**Pursuant to City policy and the requirements of the 1973 Rehabilitation Act and the 1990 Americans with Disabilities Act, all City agencies will make reasonable accommodations to the needs of persons with disabilities.*

Full Commission Meetings, and individual Committee Meetings of the Art Commission will be held at 25 Van Ness Avenue, San Francisco, located on the corner of Oak and Van Ness. All meetings are held in Suite 70, basement level, and can be accessed by the two main elevators in the lobby of the building.

Accessible seating for persons with disabilities, including those in wheelchairs, will be available.

Accessible curbside parking has been designated on Oak Street between Van Ness Avenue and Franklin Street.

Accessible MUNI lines that serve this location are:

J, K, L, M, and N Trains--stopping at Van Ness and Market,
one-half block from the building.
9, 26, and 42 Buses--serving the area of Van Ness and Market.
Civic Center BART, located at the intersection of Grove, Hyde, and Market Streets.
For more information on accessible transit, call (415) 923-6142.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our **accessibility hotline at (415) 554-8925** to discuss meeting accessibility. In order to assist the city's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accomodate these individuals.

American sign language interpreters and/or a sound enhancement system will be available upon request at meetings. Please contact Sonia Gray in the Community Arts and Education Program at (415)554-9671 at least 72 hours prior to meeting. Late requests will be honored if possible.

DOCUMENTS DEPT.
DEC 2 - 1993
SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO ART COMMISSION

STREET ARTISTS PROGRAM COMMITTEE

November 10, 1993
Art Commission Conference Room
25 Van Ness Avenue, Suite 70
San Francisco, California

M I N U T E S

Commissioners present: Aristides Demetrios, Terri Simon, Liza Zenni

Staff present: Director of Street Artists Program Howard Lazar
Certification Clerk Antoinette Butt

Commissioner Demetrios, Chairman, called the meeting to order at 4:00 p.m.

I REQUEST BY PROGRAM DIRECTOR FOR AUTHORIZATION TO DESTROY AT ANY TIME FILES OF APPLICANTS AND FORMER CERTIFICATE-HOLDERS WHOSE CERTIFICATES HAVE EXPIRED

Commissioner Demetrios moved that the Street Artists Program Director be authorized to destroy at any time files of applicants and former certificate-holders whose certificates have expired prior to and including five years previously, with the exception of files of those applicants and certificate-holders whose certificates were revoked or against whom disciplinary action was taken; the motion was seconded by Commissioner Simon and unanimously approved.

II REQUEST BY PROGRAM DIRECTOR FOR RESCISSION OF ART COMMISSION RES. NO. 312-92-163

Commissioner Simon moved that Art Commission Resolution No. 312-92-163 be rescinded and that the procedure of issuing two (2) certificates to each street artist be reinstated; the motion was seconded by Commissioner Demetrios and unanimously approved.

III REQUESTS BY FORMER CERTIFICATES-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. **Norren Colt-Richmond.** Certificate #3924 expired on February 14, 1993; request received on October 22, 1993.

B. **Diane Berry.** Certificate #3939 expired on September 1, 1993; request received on November 1, 1993.

C. **Enrique Mendoza.** Certificate #4449 expired on September 21, 1993; request received on November 2, 1993.

0-75
10/93 PROGRAMS
Civic Art Collection
Civic Design Review
Community Arts & Education
POPS Symphony Concerts
Public Art Program
Street Artists Licenses
Suite 70
415.252.2581
Art Commission Gallery
155 Grove Street
415.554.9682
City and County of San Francisco

D. Lara Hanson. Certificate #4458 expired on September 28, 1993; request received on November 2, 1993.

E. Diana Manley. Certificate #4056 expired on September 9, 1993; request received on November 8, 1993.

Commissioner Simon moved that the requests of former certificate-holders Noreen Colt-Richmond, Diane Berry, Enrique Mendoza, Lara Hanson, and Diana Manley for priority issuance of certificate be approved; the motion was seconded by Commissioner Demetrios and unanimously approved.

IV REQUEST BY APPLICANT FOR PRIORITY ISSUANCE OF CERTIFICATE

A. Chin Fong. Mr. Fong's street artist wares were examined by the Advisory Committee of Street Artists and Craftsmen Examiners on June 24, 1993, but Mr. Fong did not submit payment for a certificate within the ten-day allotment period.

Commissioner Simon moved that applicant Chin Fong's request for priority issuance of certificate be approved; the motion was seconded by Commissioner Demetrios and unanimously approved.

V HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. Jose Ruiz - Certificate #3670. Alleged violation: Displaying items (leather and fabric belts) not of the artist's own creation.

Program Director Lazar reported on the findings of the Advisory Committee of Street Artists and Craftsmen Examiners from a visit on October 4, 1993 to Mr. Ruiz's studio. The Advisory Committee found that (a) Mr. Ruiz did not have the materials (leather and embroidered fabric) that matched the materials of the cited belts in the Program's photos; (b) Mr. Ruiz did not seem comfortable or experienced with straight-line belt sewing; (c) his sewing did not match the stitching of the finished belt samples; (d) the studio did not show evidence of being the place where the belts were made; and (e) it could not be determined that Mr. Ruiz made the belts in question.

Mr. Ruiz stated to the Commissioners that, for the day of the studio visit, he had not received enough components from street artist Robert Siu to enable him to

pass the examination; nevertheless, he said he did not want to be certified to sell the belts.

Commissioner Simon moved that the findings of the Advisory Committee be approved that Jose Ruiz did not create the belts for which he was cited, that Mr. Ruiz be found in violation for selling items not of his own creation, and that, in lieu of a suspension of certificate, Mr. Ruiz receive a warning that any future incident of his selling any item not of his own creation shall result in suspension or revocation of his Certifiate; the motion was seconded by Commissioner Zenni and unanimously approved.

B. **Robert Siu - Certificate #4361.** Alleged violation: Displaying items (leather and fabric belts) not of the artist's own creation.

The Program Director stated that while Mr. Siu had informed him he would be out of town at the time of this hearing, the Program Committee, by its own rules, has the authority to proceed with a hearing in an artist's absence, and that Mr. Siu had the right to appeal the Committee's recommendation to the full Commission. Mr. Siu had already filed an appeal with the Board of Permit Appeals of the Commission's decision to suspend his certificate for having a salesperson.

The Program Director reported that the Advisory Committee had, on October 6, 1993, watched Mr. Siu in his studio cut, sew, and glue leather and fabric belts and verified that (a) "in his sewing, finishing, and assembly methods, Mr. Siu appeared both knowledgeable and experienced and was forthright in admitting certain parts were made for him"; and (b) "he has the skills to make the items in question, although they appear identical to certain imported goods but of higher quality." The Advisory Committee had advised him to replace the "GUATEMALA" imprint on the belt components (the leather ends) with his own identifying imprint, so as not to mislead the public into believing that his belts were imported.

Following the studio visit, the Program Director found Mr. Siu on October 21st in an illegal location and selling leather and fabric belts that were stamped "GUATEMALA." Not only had Mr. Siu not yet received the full Commission's approval to sell the belts but the belts, according to the Program Director, were

either imported or, if they were not, were misleading the public. Given the Program's limited resources, it would be impossible to continuously monitor Mr. Siu to guarantee he would be selling his own created belts.

In addition to the above report submitted as evidence against authorizing Mr. Siu to sell leather and fabric belts, the Program Director reported that at the lottery for street artist spaces held on Friday, November 5th, he was informed that Mr. Siu had boasted to artists set up around him that he had fooled the Advisory Committee into believing that he made the belts, and Mr. Siu had been allowing a female non-licensed vendor to sell the belts in his absence.

Commissioner Zenni moved that the finding by the Advisory Committee be approved that Robert Siu is able to create leather and fabric belts identical to those for which he was cited, but that Mr. Siu be found in violation for selling such items which were not certified and that his certificate be suspended for two (2) months, and that Mr. Siu not be certified to sell leather and fabric belts; the motion was seconded by Commissioner Simon and unanimously approved.

C. **Martin Butschek - Certificate #3300; Gerard Cracas - Certificate #1908.** Alleged violation: Selling in a location not designated by the Board of Supervisors (reports submitted by Police Department and Street Artists Program). The Program Director reported that both artists had allegedly committed two incidents of violation: (1) both were cited on August 8, 1993 by Officer Stewart Ng for allegedly selling in non-designated locations on Jefferson Street; and (2) both were photographed on August 20, 1993 by the Program Director in alleged non-designated locations on Jefferson Street two days after Mr. Lazar had warned them against selling in illegal locations (photos and reports submitted as evidence).

The Program Director reported on background information relevant to the two artists:

1) The Art Commission had suspended Mr. Butschek's certificate in 1988 for three weeks for selling within five feet of another street artist's display (essentially selling in a non-designated location), and this decision had been upheld by the Board of Permit Appeals.

2) The Art Commission had suspended Mr. Cracas's certificate in 1987 for one month for consistently exceeding the display size regulations (technically allowing part of his display to be in a non-designated location).

3) Over a five-year period (1988 - 1993) Mr. Butschek had been observed selling in non-designated locations on 7 occasions and had received warnings from two Art Inspectors and the Program Director.

4) Over a four-year period (1989 - 1993) Mr. Cracas had been observed selling in non-designated locations on 6 occasions and had received warnings from one Art Inspector and the Program Director.

Reports of the above observations and copies of the written warnings with accompanying photos were submitted as evidence.

Relative to the first current alleged incident (August 8, 1993), Officer Stewart Ng testified that both artists had been set up on the northeast corner of Jefferson Street, at Leavenworth, not in a legal space and in a location west of space "J-10." Neither had a lottery space assignment slip for the day. Both were cited.

Mr. Butschek, represented by attorney David Wright, stated that he did not have his lottery slip with him at the time he was cited, but that he was signed into and set up in space "J-11."

This was refuted by Officer Ng who testified that all the spaces on Jefferson Street that day, "J-1" through "J-15," were filled, and Mr. Butschek did not have "J-11." Mr. Cracas, as well, was not assigned to a space. The officer further checked with the street artist lottery worker who had the list of spaces and it was confirmed that all the spaces had been assigned and neither Mr. Butschek nor Mr. Cracas had a slip for a space. After the officer cited them, the two packed up and left the area; he did not see them set up again in the two blocks of Jefferson spaces for the rest of the day.

Commissioner Zenni moved that Martin Butschek and Gerard Cracas be found in violation for selling in a location not designated by the Board of Supervisors on August 8, 1993, and that Mr. Butschek's and Mr. Cracas's certif-

icates be suspended for three weeks; the motion was seconded by Commissioner Simon and unanimously approved.

Relative to the second currrent alleged incident (August 20, 1993), Program Director Lazar stated that he warned both artists two days prior to the incident against selling in an illegal location, and that two days later he photographed them selling in an illegal area on Jefferson Street, south side, between the last legal space, "J-9," and Leavenworth Street. There was a lot of people around them - it was during the height of summer - and their two displays with their crowd were obstructing the sidewalk. In view of the history of suspensions and warnings given to them, the Program Director stated that both had been given ample warning against selling in illegal locations; yet both had continued to do so.

Street artist Sally Rowley testified that on August 20th she was selling on Hyde Street and Mr. Burschek and Mr. Cracas were selling in spaces next to her; at 4:00, they moved around the corner for another location - on Leavenworth Street - which had just been vacated. A family came up to her, looking for them, and she told them to go around the corner and catch up with them.

Mr. Cracas stated that, as Mr. Butschek and he were in the process of moving, a family came up to them and asked them to date and sign the fun-sketches they had done of them previously. They stopped to accommodate this request. The incident, he said, took 7 - 10 minutes.

The Program Director stated that no artist has the right to block a sidewalk and do something for a customer; such an act is a public safety problem and should be cited by the Police.

Commissioner Simon viewed the photographs and said that it appeared the two artists and their displays were "nesting" among everyone.

Commissioner Demetrios moved that Martin Butschek and Gerard Cracas be found in violation for selling in a location not designated by the Board of Supervisors on August 20, 1993, and that, in lieu of a suspension of certificate, Mr. Butschek and Mr. Cracas receive a warning that any future incident of their selling in a non-designated location shall result in suspension

or revocation of certificate; the motion was seconded by Commissioner Simon and unanimously approved.

Commissioner Demetrios moved that the three-week suspension for Mr. Butschek and Mr. Cracas, for the August 8, 1993 violation, be deferred to August 1, 1994; the motion was seconded by Commissioner Simon and unanimously approved.

D. Virginia Burris - Certificate #2354. Alleged violation: Selling in a location not designated by the Board of Supervisors (report submitted by Police Department).

Officer G. Neybert testified that he was one of the officers paid by the Street Artists Program to enforce the street artist ordinance last summer, and on July 14, 1993, he cited Virginia Burris for not selling in a validated location and took photos of the incident which were booked as evidence. He submitted the photos to the Commissioners. Referring to a map of the street artist spaces, the officer stated that Mr. Burris was cited in the area between spaces "J-1" and "J-2." Her display cart was there at the time he started his patrol, shortly after 12 noon; it was still there an hour and forty minutes later when he cited her.

Ms. Burris stated that she had unloaded her display from her car on Jefferson Street, her display was covered, and she told Officer Neybert that she was in the process of moving it to Hyde Street. The reason artists unload their displays on Jefferson Street, she said, is because there is no parking adjacent to their spaces on Hyde Street. The officer's photo showed that her display was covered; at no time, she said, did she conduct business while setting up the display.

Mr. Ray Jones, a friend of Ms. Burris, stated that he was helping her set up, that the display was covered, and that they had arrived at 12:30 to set up.

In response to questions by the Commissioners, Ms. Burris stated that her display requires about forty-five minutes to set up; it is easier to set it up on Jefferson Street because Hyde Street is a hill and her display is on wheels; and she was not in the Jefferson Street location for two hours.

Commissioner Demetrios stated that, after hearing both

viewpoints, he surmised that Ms. Burris's display had occupied an illegal location - and that a portion of the sidewalk had been obstructed - for at least one hour and ten minutes, regardless of whether Ms. Burris's intent had been to merely assemble it.

Commissioner Demetrios moved that Virginia Burris be found in violation for improper, disorderly, and hazardous conduct of business by obstructing a public sidewalk, and that Ms. Burris's certificate be suspended for three weeks commencing January 16, 1994; the motion was seconded by Commissioner Simon and unanimously approved.

E. **Reinaldo Coronado - Certificate #3840 - and Fermin Diaz - Certificate #4364.** Alleged violation: Selling in a location not designated by the Board of Supervisors (report submitted by Police Department).

The Program Director reported that he had written to the citing officer, M. Kngrga, to appear to testify, but that the officer was not present. The report stated that both artists were cited on August 1, 1993, on Hyde Street "for operating in an illegal area without a valid Art Commission lottery permit ..." The question: Were cited for being in a non-designated area, or were they in designated locations but did not have lottery slips for them? The Program Director clarified that it is possible for any artist to set up in a legal space without having a lottery slip for it if the space was vacated by a previous artist or was never selected through the artists' lottery.

Representing and acting as interpreter for both artists, Ms. Camille Cook, attorney and former street artist, stated that she had been present at the incident, that Mr. Coronoado was in legal space "H-11," and Mr. Diaz was in "H-12." The spaces had been vacant because few artists were selling on Hyde Street; it was not necessary to have lottery slips for the spaces.

Commissioner Demetrios moved that the charge against Reinaldo Coronado and Fermin Diaz of selling in a location not designated by the Board of Supervisors be dismissed; the motion was seconded by Commissioner Simon and unanimously approved.

F. **Soon Check Gin - Certificate #3787.** Alleged violation:

Display of items by salesperson on behalf of artist (report submitted by street artists).

The Program Director reported that a complaint letter had been sent by six street artists to the Program, relating an incident of Mr. Soon Check Gin's allegedly allowing his wife (who is not a licensed street artist) to sell in his absence on June 28, 1993, and his wife's alleged assault on various artists. The Program Director asked the City Attorney's office whether a street artist is responsible for the conduct of an individual who is related to him but is not a licensed street artist. The City Attorney's response was that it would be stretching the law to hold an artist responsible for the conduct of such a person, as it would be claiming that the license imposes strict liability on the license-holder. In this particular case, therefore, what remained for determination was whether or not the artist had violated the law by having a salesperson.

Mr. Gin was present. The artists who signed the complaint had been notified to appear, but none were present. It was noted that, because of this, there was not a preponderance of evidence to support the charge.

Mr. Lazar produced a signed statement by Mr. Gin which stated that, after setting up his display, he left his wife to watch it while he telephoned his mother at On Lok senior center. He was told that she was not well and to come immediately. He was worried and did not go back to tell his wife to close down the display. He stayed with his mother all afternoon. Less than one month later, his mother passed on. (Attached to Mr. Gin's statement was a photocopy of the certificate of death.)

Commissioner Simon moved that the charge against Soon Check Gin of having a salesperson be dismissed with a warning that any future incident of Mr. Gin's having a salesperson shall result in suspension or revocation of certificate; the motion was seconded by Commissioner Demetrios and unanimously approved.

VI HEARING ON PROPOSAL BY PROGRAM DIRECTOR TO AMEND HEARING PROCEDURE OF STREET ARTIST VIOLATIONS BY DELETING PROVISION FOR APPEAL TO FULL ART COMMISSION; PROVIDING FOR HEARING TO BE CONDUCTED BY EITHER PROGRAM COMMITTEE OR ADVISORY

COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS; AND PROVIDING FOR APPROVAL OF COMMITTEE RECOMMENDATIONS BY STREET ARTISTS PROGRAM DIRECTOR

The Program Director reported on the City Attorney's response to his letter enquiring on whether the hearing procedure could be amended as stated in the above wording of agenda item VI. To eliminate an appeal hearing by the full Commission, it would be necessary to seek an amendment of the street artist ordinance; because this change would not be inconsistent with the language of the ordinance, it would not be necessary to go to the voters for the change but to amend the law by action of the Board of Supervisors.

The City Attorney's office subsequently clarified that while the Advisory Committee could be delegated the job of holding a preliminary hearing (e.g., in cases dealing with alleged violations of the arts and crafts), any decisive recommendation would have to come out of a hearing conducted by a representative body of the Commission - in this case, the Street Artists Program Committee.

Commissioner Demetrios moved that the Program Director be authorized to consult with the City Attorney's office in drafting an amendment to Ordinance 41-83 (street artist ordinance) which would provide (a) recommendations on alleged violation cases heard by the Street Artists Program Committee to be submitted directly to the Street Artists Program Director who, on behalf of the Art Commission's Executive Director (Director of Cultural Affairs) approves or disapproves such recommendations but cannot amend the findings or recommendations; (b) disapproval of a recommendation only if evidence is found that a fair and public hearing on the alleged violation had not occurred, or certain evidence critical to the hearing had not been introduced, or the artist had failed to appear at the hearing and is requesting another hearing (such request may or may not be approved); (c) the Program Director's decision (on behalf of Executive Director) to be made in writing; and (d) the Director's decision to not be appealable at any level of the Art Commission; the motion was seconded by Commissioner Simon and unanimously approved.

VII NEW BUSINESS

New meeting time. At the request of Commissioner Zenni, Commissioner Demetrios stated that, from now on, the

Street Artists Program Committee would meet regularly at 3:00 p.m. (rather than at 4:00 p.m.).

Deferment of suspensions. Commissioner Demetrios requested that the next Program Committee agenda contain an item for discussion on appropriate or meaningful times of the year when certificate suspensions should occur.

The meeting adjourned at 6:25 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

DOCUMENTS DEPT.
FEB 2 1994
SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO ART COMMISSION

STREET ARTISTS PROGRAM COMMITTEE

January 12, 1994
Art Commission Conference Room
25 Van Ness Avenue, Suite 70
San Francisco, California

M I N U T E S

Commissioners present: Terri Simon, Aristides Demetrios

Staff present: Director of Cultural Affairs Joanne Chow Winship
Richard Newirth, Assistant Director
Director of Street Artists Program Howard Lazar
Certification Clerk Antoinette Butt

Also present: Members Mathew Porkola, Josie Grant, Wendy McPhee, Susan Tibbon, Marcia Weisbrot - Advisory Committee of Street Artists and Craftsmen Examiners

Deputy City Attorney David Greenburg

Commissioner Simon, Chair, called the meeting to order at 4:00 p.m.

I REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

Rochelle Turner - Certificate #1341 expired on December 1, 1993; Ms. Turner's request was received on January 1, 1994. Commissioner Demetrios moved that the request of Ms. Turner be approved; the motion was seconded by Commissioner Simon and unanimously approved.

II REQUESTS BY STREET ARTISTS AND PROGRAM DIRECTOR FOR REVIEW AND DISCUSSION ON CRITERIA FOR "BEADSTRINGING (USING ONLY COMMERCIALLY MANUFACTURED BEADS)" ADOPTED BY ART COMMISSION ON OCTOBER 4, 1993

The Program Director outlined the problems that have been observed in reference to items of beadstringing using commercially manufactured beads: mosts of the table-displays of such items look alike; the artists' bead designs are widely copied by their peers; the artists' sales areas are dominated by displays of beads strung without incorporating any found objects or other materials; it is estimated that half of the 450 artists in the Program sell beadstrung items as a primary or a secondary craft. At the same time, the Art Commission itself adopted, on December 6, 1993, an overall Strategic Plan for the Commission which, in reference to its Street Artists Program, includes the following

PROGRAMS
Civic Art Collection
Civic Design Review
Community Arts & Education
PS Symphony Concerts
Public Art Program

Street Artists Licenses
Suite 70
415.252.2581

Art Commission Gallery
155 Grove Street
415 554.9682

City and County of San Francisco

25 Van Ness Ave. Suite 240. San Francisco, CA. 94102 tel. 415.252.2590 fax 415.252.2595

statements: "Establish and maintain ongoing street artist program planning ... to relate the visual contribution of their" (street artists) "presence and the quality of their craft on the urban landscape and street-scene;" and "Foster commitment to more quality of craft and art work in the program."

The Program Director went on to relate that the Advisory Committee of Street Artists and Craftsmen Examiners, in keeping with the new "Beadstringing" criteria adopted on October 4, 1993, held an initial re-screening on December 2nd of the items of some 20 licensed beadstringers. As per the new criteria, the Advisory Committee attempted to ensure more handcraftsmanship in the beadstringing by verifying whether the commercially manufactured bead components were significantly or predominantly altered in form by their design arrangement. The wording of the new criteria is tailored to that of the definition of "Handcrafted Item" in the street artist ordinance: "An item predominantly created or significantly altered in form by the street artist."

In attempting to view design arrangements to ensure greater handcraftsmanship in beadstringing, the Advisory Committee on December 2nd ruled out most of the items they examined and recommended a six-month period for the beadstringers to sell off these items. This resulted in protest by the beadstringers as well as some non-beadstringer street artists.The Program Director read an excerpt of a letter by street artist Amy Dong which aptly described the problem as follows: "... Because all beaders are limited to the same suppliers in SF, anytime a new design is unveiled on the street, within a week one can find the exact duplicate on another vendor's table at a lesser price. ... Since there is no system in place to identify original designers, how would the examiners know at the rescreening process of who owns the right of the original? By first come, first passed?"

As per Ms. Dong's description of the problem, the Program Director asked the Commissioners to consider whether the Advisory Committee's interpretation and implementation of the criteria were what the Commissioners had intended.

Following the December 2nd re-screening, the Program Director received the following suggestions from various street artists to remedy the situation:

1) The Art Commission should require a beadstringer's

display to be divided evenly between items composed entirely of commercially manufactured beads and of the same designs of other beadstringers and items that would incorporate with the beads found objects, whether they be store-bought objects or natural objects (driftwood, seeds, etc.) or bits of materials (as metal, wood, or clay).

2) The Art Commission should establish a quota on the number of licenseholders of this craft and, in the future, other crafts. This would necessitate a ballot amendment.

3) The Art Commission should eliminate the criteria for "Beadtsringing" altogether, "grandfather in" all current beadstringer licensees, and not allow any new beadstringers into the Program. As many "grandfathered" beadstringers would eventually give up their licenses, the number of beadstringers would slowly decrease.

4) The Art Commission should implement the above #3 proposal but allow the Advisory Committee the option to approve any new beadstringer whom it feels does exceptional design arrangements.

5) The Art Commission should go to the ballot for authority to establish an "A" and "B" license structure whereby "A" licenses would be issued only to artists who created the most handcrafted and unique work and who would then be provided with the best selling spaces, and "B" licenses would be issued to other artists for less viable selling locations.

The Program Committee heard from various speakers (beadstringers, non-bead street artists, members of the Advisory Committee) including attorney R. Stephen Goldstein who said he represented 50 street artists and made the following remarks:

(a) The fundamental issue is to what extent the Advisory Committee has the power to make a judgment about the quality, beauty, or design of beadcraft items; (b) the street artist ordinance does not provide for such judgments; (c) if an artist makes something with his own hands, he is to be licensed; (d) the creation of a handcraft means a putting together of disparate elements to give life to a new entity; (f) a chairmaker putting together a chair doesn't make the wood, the nails, or hammer, but he designs how the chair is to be pieced together; nor does a painter make the paint, canvas, or brushes, but he puts together these elements to create something brand new that didn't

exist before; similarly, the beadstringer doesn't make the beads, clasps, or tools, but he creates the object by taking disparate elements into an arrangement or design that didn't exist before; (g) better quality and workmanship can be achieved by establishing guidelines for contests and awards; (h) the only thing the Advisory Committee is empowered to do is to decide whether an artist made his items.

In response to questions by the Commissioners and the Program Director, Deputy City Attorney Greenburg made the following comments:

1) It did not seem fair or appropriate for the Advisory Committee to rule out an artist's design because the Committee had seen it on a previous artist's display.

2) The Advisory Committee could not prohibit the use of certain beads because the Committee had seen them before; but this would not apply to commercially manufactured pendants.

3) It would appear that the Commission could eliminate the use of commercially manufactured pendants altogether from the criteria. (But the Deputy City Attorney wanted to further research this point.)

4) It was doubtful whether it would be legal for the Commission to "grandfather in" the present beadstringers if the Commission were to eliminate the criteria for "Beadstringing."

5) It would be possible for the Commission to set a quota of licenseholders of a certain craft provided the Commission obtained such authority at the ballot.

6) The Advisory Committee's authority is broader than the scope interpreted by attorney Goldstein because the ordinance's definition "Handcrafted Item" can be applied to the question of subjectivity,and art, by nature, is subjective. Furthermore, the Art Commission itself is mandated to make aesthetic decisions and its Advisory Committee has the power to implement criteria that would determine whether a beadcraft item is predominantly or significantly altered.

Commissioner Demetrios said that, while "quality of beads" and "arrangement of beads" were not in the ordinance, ways should be explored to give the Advisory Committee the authority to assess the craft on the basis of bead arrangements.

The Program Director said that the Commission should not, contrary to the opinion expressed by one street artist, be lenient in its penalties, and that many artists have criticized the Commission for being too lenient and have asked that a strong position be taken. Enforcing the rules against the sale of commercially manufactured pendants as well as beadstrung items not strung by the artist could be a short-term solution, without having to go to the ballot, which might improve the look of the beads sold on the streets.

Director of Cultural Affairs Winship summarized what she heard and suggested the situation may be viewed in two phases: (1) As a short-term measure, work should be done to clarify the present criteria because it is open to interpretation and disagreement, and the Advisory Committee should communicate the criteria to the applicants; and (2) as a long-term measure, the Commission should pursue its consideration of going to the ballot.

The Commissioners asked that this discussion and consideration of the 5 proposals be continued to the next Program Committee meeting.

The meeting adjourned at 6:10 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

DOCUMENTS DEPT.
FEB 11 1994
SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO ART COMMISSION

STREET ARTISTS PROGRAM COMMITTEE

AMENDED AGENDA

Wednesday, February 9, 1994 - 3:30 p.m.
Art Commission Conference Room
25 Van Ness Avenue, Suite 70 (basement area)
San Francisco, California

NOTE: NEW TIME

A G E N D A

Note: Public testimony is invited and shall be limited to three (3) minutes per person. No member of the public or witness shall cross-examine another member of the public or witness unless approved by the Program Committee.

I HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. **John Dobson - Certificate #3097.** Alleged violations: (1) Displaying items (silver chains, earrings, rings) not of the artist's own creation; (2) Displaying items (the above) not certified by Art Commission; (3) Selling in a non-designated location (second offense).

B. **Juana Andrango - Certificate #4170.** Alleged violations: (1) Displaying items (scarves, sweaters) not of the artist's own creation (second offense); (2) Displaying items (scarves) not certified by Art Commission; (3) Selling in a non-designated location (third offense).

II CONTINUED DISCUSSION ON CRITERIA FOR **"BEADSTRINGING (USING ONLY COMMERCIALLY MANUFACTURED BEADS)"** ADOPTED BY ART COMMISSION ON OCTOBER 4, 1993, AND **POSSIBLE MOTION TO APPROVE ONE OF THE FOLLOWING PROPOSALS:**

A. Beadstringers' displays to be divided evenly between items composed entirely of commercially manufactured beads and items composed of commercially manufactured beads and natural or store-bought found objects.

B. Art Commission establishment, through a ballot amendment, of a quota of artists certified for beadtsringing and, if necessary, quotas of artists certified for other crafts.

C. Elimination of criteria for "BEADSTRINGING," "grandfather" provision for all current beadstringers, and prohibition of any new beadstringer from entering Street Artist Program.

D. Elimination of criteria for "BEADSTRINGING," "grandfather" provision for all current beadstringers, and prohibition of any new beadstringer from entering Street Artists Program with the provision for the Advisory

Continued...

PROGRAMS
Civic Art Collection
Civic Design Review
Community Arts & Education
POPS Symphony Concerts
Public Art Program

Street Artists License Unit 70
415.252.2581

Art Commission Gallery
155 Grove Street
415.554.9682

City and County of San Francisco

25 Van Ness Ave. Suite 240. San Francisco, CA. 94102 tel. 415.252.2590 fax 415.252.2595

Committee to recommend certification of any new bead-stringer whom it feels creates outstanding, handcrafted bead design arrangements.

E. Art Commission establishment, through a ballot amendment, of "A" and "B" certificate structure: "A" certificates to be given to artists who create the most unique and handcrafted work and to entitle such artists usage of the most viable selling spaces; "B" certificates to be given to artists who create less unique and handcrafted work and to entitle such artists usage of lesser viable selling spaces.

III ANNOUNCEMENT OF COMPETITION FOR DESIGN PROPOSALS FOR STREET ARTIST DISPLAY SIGNAGE: $250 CASH PRIZE

IV HEARING ON PROPOSAL TO REQUIRE LOTTERY COMMITTEE MEMBERS TO TELEPHONE PROGRAM OFFICE AFTER THE DAILY LOTTERY TO INFORM STAFF OF ANY STREET ARTIST WHO DID NOT HAVE A CERTIFICATE TO SHOW AT THE SIGN IN FOR SPACES

ACCESSIBILITY INFORMATION

**Pursuant to City policy and the requirements of the 1973 Rehabilitation Act and the 1990 Americans with Disabilities Act, all City agencies will make reasonable accommodations to the needs of persons with disabilities.*

Full Commission Meetings, and individual Committee Meetings of the Art Commission will be held at 25 Van Ness Avenue, San Francisco, located on the corner of Oak and Van Ness. All meetings are held in Suite 70, basement level, and can be accessed by the two main elevators in the lobby of the building.

Accessible seating for persons with disabilities, including those in wheelchairs, will be available.

Accessible curbside parking has been designated on Oak Street between Van Ness Avenue and Franklin Street.

Accessible MUNI lines that serve this location are:

J, K, L, M, and N Trains--stopping at Van Ness and Market, one-half block from the building.

9, 26, and 42 Buses--serving the area of Van Ness and Market.

Civic Center BART, located at the intersection of Grove, Hyde, and Market Streets.

For more information on accessible transit, call (415) 923-6142.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our **accessibility hotline at (415) 554-8925** to discuss meeting accessibility. In order to assist the city's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accomodate these individuals.

American sign language interpreters and/or a sound enhancement system will be available upon request at meetings. Please contact Sonia Gray in the Community Arts and Education Program at (415)554-9671 at least 72 hours prior to meeting. Late requests will be honored if possible.

10.75
#1
9/94

SAN FRANCISCO ART COMMISSION

DOCUMENTS DEPT.
MAR 4 1994
SAN FRANCISCO
PUBLIC LIBRARY

STREET ARTISTS PROGRAM COMMITTEE

February 9, 1994
Art Commission Conference Room
25 Van Ness Avenue, Suite 70
San Francisco, California

M I N U T E S

PROGRAMS
Civic Art Collection
Civic Design Review
Community Arts
& Education
POPS Symphony Concerts
Public Art Program

Street Artists License
Suite 70
415.252.2581

Art Commission Gallery
155 Grove Street
415.554.9682

Commissioners present: Terri Simon, Aristides Demetrios

Staff present: Director of Street Artists Program Howard Lazar
Certification Clerk Antoinette Butt

Also present: Members Mathew Porkola, Josie Grant, Wendy McPhee - Advisory Committee of Street Artists and Craftsmen Examiners

Deputy City Attorney David Greenburg

Commissioner Simon, Chair, called the meeting to order at 3:40 p.m.

I HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. **John Dobson - Certificate #3097.** Mr. Dobson was not present. In keeping with the Commission's "Hearing Procedure of Street Artist Violations," the Committee heard the case in Mr. Dobson's absence. Program Director Lazar presented his report and photographs of Mr. Dobson's alleged display of items not of his own creation (silver chains, earrings, rings), display of items (the above) not certified by the Art Commission, and display in a location not designated by the Board of Supervisors (Market Street, north side, Montgomery to Grant), second offense, on December 15, 1993. In addition, photographs were presented of Mr. Dobson's displaying the above items on March 12 and September 24, 1993. The Committee acknowledged that Mr. Dobson had been previously suspended in 1993 for selling in an illegal location.

Commissioner Demetrios moved that it be recommended that John Dobson be found in violation of the street artist ordinance by displaying items not of his own creation, by displaying items not certified by the Art Commission, and by selling in a location not designated by the Board of Supervisors (second offense), and that Mr. Dobson's certificate be suspended for three (3) months and two (2) weeks; the motion was seconded by Commissioner Simon and unanimously approved.

It was noted that the recommendation reduced the total

standard penalties for the above violations by two months.

B. **Juana Andrango - Certificate #4170.** Ms. Andrango was not present. In keeping with the Commission's "Hearing Procedures of Street Artist Violations," the Committee heard the case in Ms. Andrango's absence. Program Director Lazar presented his report and photographs of Ms. Andrango's alleged display of items (scarves and sweaters) not of her own creation (second offense) and her display of items (the above) not certified by the Art Commission, on December 3, 1993. Her scarves and sweaters allegedly bore labels saying "Artisans," while approximately 75 feet away from her display there was a display of an unlicensed female vendor who, according to a submitted photo, was also selling similar scarves and sweaters, and these bore labels saying "Artisans - Made in Ecuador." In addition, Mr. Lazar submitted a copy of a Police citation issued to Ms. Andrango by Officer Curtis Liu (one of the officers hired by the Street Artists Program to cite and confiscate unlicensed merchandise) on December 17, 1993; Ms. Andrango's "sweaters, jackets, and scarves" were cited and confiscated because she was "selling without a permit" on Stockton and Ellis Streets, a location not designated by the Board of Supervisors. Selling in a non-designated location constituted a third offense for Ms. Andrango (she was suspended in 1992 and 1993 for this); and displaying items not of the artist's own creation constituted a second offense (she was suspended in 1992 for this).

Program Director Lazar submitted additional reports and photos of Ms. Andrango's selling items (sweaters and jewelry) not of her own creation on November 19, 1993, and selling items (sweaters and handbags) not of her own creation, selling in a non-designated location, and selling while under suspension, on April 30, 1993.

Commissioner Simon moved that it be recommended that Juana Andrango be found in violation of the street artist ordinance by displaying items not of her own creation, second offense, and by selling in a location not designated by the Board of Supervisors, third offense, and that Ms. Andrango's certificate be revoked; the motion was seconded by Commissioner Demetrios and unanimously approved.

II ANNOUNCEMENT OF COMPETITION FOR DESIGN PROPOSALS FOR STREET ARTIST DISPLAY SIGNAGE

Commissioner Simon announced that all licensed street artists will be notified by mail to submit design proposals for display signage to be used by all street artists in order to increase their public visibility, identify licensed street artists as participants in a City-run art program, distinguish street artists from unlicensed street vendors, and assist in the enforcement of the street artist and peddler ordinances. One proposal will be selected and awarded a cash prize of $250 which was privately donated to the Street Artists Program for this competition.

III HEARING ON PROPOSAL TO REQUIRE LOTTERY COMMITTEE MEMBERS TO TELEPHONE PROGRAM OFFICE AFTER DAILY LOTTERY WITH NAMES OF ARTISTS WHO DID NOT HAVE VALID CERTIFICATE AT SIGN IN FOR SPACES

The Commissioners received testimony from street artists Bill Clark and Eunice Rodriguez regarding Lottery members who allow artists to sign in for spaces without showing up-to-date certificates. While some of these artists may not have yet received their renewals in the mail, other such artists may not have renewed at all; the office should be called to verify these people.

Commissioner Demetrios moved that it be recommended that Lottery Committee members be required to telephone the Program office after the daily lottery with the names of those artists who could not produce a valid certificate at their sign in for spaces; the motion was seconded by Commissioner Simon and unanimously approved.

IV CONTINUED DISCUSSION ON CRITERIA FOR "BEADSTRINGING (USING COMMERCIALLY MANUFACTURED BEADS)"

Four proposals for "BEADSTRINGING," offered at the last Program Committee meeting, were not voted on.

The Committee heard testimony from street artists Larry Rosenbloom, Dolores Kalom, Jerome Fong (who said he represented a new, 31-member group called Asian Artists Association), Bill Clark, Virginia Burris, Edward Steneck, John Shaw, Abby Ellis, Eunice Rodriguez, Ray Jones, Kevin Klee, and Advisory Committee of Street Artists and Craftsmen Examiners Mathew Porkola and Wendy McPhee.

The majority of the artists who were beadstringers urged the Program Director to aggressively enforce the present rule against the usage of commercially manufactured pendants with the exception of those pendants approved by the Advisory Committee as being an integral part of the design of a beadstrung item. The artists said they would support the Program Director's efforts to eliminate from the streets commercially manufactured pendants hung from cords, pendants with several beads (in earrings and necklaces), and the use of a few commercially manufactured beads acting as a pendant. The Commissioners asked the Program Director to continue to enforce the rule.

Attorney R. Stephen Goldstein, who said he represented 50 beadtsringers, stated his interpretation of the street artist ordinance with respect to the scope of the Art Commission and its Advisory Committee: (1) The law does not permit subjective screening of the artists' wares; (2) all the law requires is that a beadstringer has to be the person who creates the artwork which is the same as "putting it together"; (3) the problems would be resolved if the Program were to more stringently enforce the rules against selling pendants, pendants on cords, and pendants on earwires; and (4) the Art Commission does not have the right to establish criteria.

The Commissioners asked Deputy City Attorney David Greenburg to clarify the Commission's authority. Mr. Greenburg clarified: (1) The Art Commission does have the right to establish criteria for any craft it licenses in order to determine whether the craft item is predominanty created or significantly altered; (2) the Commission's Advisory Committee may be delegated authority to make such determinations; and (3) it is reasonable for the Commission and its Advisory Committee, in making such determinations in "beadstringing," to evaluate the design arrangement of an item's beads.

The Commissioners requested the Program Director to arrange a meeting for the City Attorney, Mr. Goldstein, the beadstringers, and the Advisory Committee to draft new criteria that would make it clear to the Advisory Committee and the artists how beadstrung items should be evaluated to determine whether they are predominantly created or significantly altered.

The meeting adjourned at 6:00 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director

DOCUMENTS DEPT.
MAR 4 1994
SAN FRANCISCO
PUBLIC LIBRARY

STREET ARTISTS PROGRAM

	FY 93-94	FY 94-95
PROJECTED REVENUE	$144,000	$150,000
BUDGETED EXPENSES		
PERMANENT SALARIES	$ 75,714	$ 73,542*
BENEFITS	$ 20,543	$ 15,023*
OTHER CONTRACTS[1]	$ 6,250	$ 6,250
OTHER SERVICES[2]	$ 12,584	$ 17,700
TELEPHONE	$ 900	$ 900
MATERIALS AND SUPPLIES[3]	$ 4,000	$ 6,000
RENTAL[4]	$ 7,290	$ 7,786
REPRODUCTION[5]	$ 1,332	$ 4,500
CAO INSURANCE	$ 30	$ 30
SUBTOTAL EXPENSES (Before Salary Standardization)	$128,643	$131,131
Estimated Cost Increase for Salary Standardization (Salary and Benefits)		$ 4,500
TOTAL EXPENSES	$128,643	$135,631
PROJECTED REVENUE OVER EXPENSES	$ 15,357	$ 14,369

*

[1] Compensation for Advisory Committee
[2] Includes postage, transportation, photography, and police expenses. Budgeted amount in FY 93-94 for police was $10,000, in FY 94-95 it is $15,000.
[3] Includes $5,000 for signage; $3,000 was included in FY 93-94 budget but will not be expended until next year.
[4] Rent increase of 6.8% effective July 1, 1994.
[5] Includes $3,000 in FY 94-95 for reprinting the "Blue Book".

CULTURAL EQUITY ENDOWMENT

	FY 93-94	FY 94-95
PROJECTED REVENUE	$760,548	$1,070,580
BUDGETED EXPENSES		
PERMANENT SALARIES[1]	$ 31,741	$ 71,547*
BENEFITS	$ 7,300	$ 14,759*
EQUIPMENT[2]	$ 8,000	$ 2,000
OTHER SERVICES[3]	$ 26,550	$ 26,550
MATERIALS AND SUPPLIES[4]	$ 4,100	$ 2,000
SUBTOTAL ADMINISTRATIVE EXPENSES (Before Salary Standardization)	$ 77,691	$ 116,856
Estimated Cost Increase for Salary Standardization (Salary and Benefits)		$ 4,500
TOTAL ADMINISTRATIVE EXPENSES	$ 77,691 *10.22%*	$ 121,356 *11.34%*
TOTAL GRANTS AWARDED	$682,857 *89.78%*	$ 949,224 *88.66%*

[1] FY 93-94 partial year
[2] Computer equipment
[3] Includes printing/copying expenses, postage, telephone, rent, panel expenses, training and software development, conference/travel, and facilities fund consulting services.
[4] Includes office supplies, office furniture, and computer software.

ART COMMISSION
GENERAL FUND BUDGET FY 1994-1995

		** FY 1992-1993 **	** FY 1993-1994 **	** FY 1994-1995 **	
005-01	Visual Arts	500	100	100	
006-01	NAP Sponsorship	500	100	100	
007-01	NAP Admin	7,750	7,675	100	
008-01	Gallery	5,538	5,513	4,021	
Program Budget		14,288	13,388	4,321	
	Administration				
	001 Perm Salary	390,131	373,771	384,472	Before Salary Standardization
	060 Benefits	101,112	77,160	73,831	Before Salary Standardization
	111 Emp car use	100	0	0	
	120 Othr Service*	10,746	82,686	84,661	
	123 Telephone	4,245	0	0	
	130 Mat & Supply	4,750	4,750	4,750	
	140 Fixed Charges	5,680	0	0	
	146 Rental*	67,595	0	0	
	313 Civil Serv	427	595	595	
	330 L, H & Power	26,570	26,000	0	
	350 Reproduction	4,085	4,085	4,085	
	365 CAO-Insur	500	530	530	
	Subtotal Administration	615,941	569,577	552,924	
	Estimated cost of Salary Standardization			22,547	
	Estimated Administration after Standardization			575,471	
	GENERAL FUND TOTAL	630,229	582,965	579,792	Mayor's Office's GF allocation to the Art Commission for FY 1994-1995

* Beginning in FY 1993-1994, rent is included in "Other Services"

DOCUMENTS DEPT.
MAR 4 1994
SAN FRANCISCO
PUBLIC LIBRARY

STREET ARTISTS PROGRAM

	FY 93-94	FY 94-95
PROJECTED REVENUE	$144,000	$150,000
BUDGETED EXPENSES		
PERMANENT SALARIES	$ 75,714	$ 73,542*
BENEFITS	$ 20,543	$ 15,023*
OTHER CONTRACTS[1]	$ 6,250	$ 6,250
OTHER SERVICES[2]	$ 12,584	$ 17,700
TELEPHONE	$ 900	$ 900
MATERIALS AND SUPPLIES[3]	$ 4,000	$ 6,000
RENTAL[4]	$ 7,290	$ 7,786
REPRODUCTION[5]	$ 1,332	$ 4,500
CAO INSURANCE	$ 30	$ 30
SUBTOTAL EXPENSES (Before Salary Standardization)	$128,643	$131,131
Estimated Cost Increase for Salary Standardization (Salary and Benefits)		$ 4,500
TOTAL EXPENSES	$128,643	$135,631
PROJECTED REVENUE OVER EXPENSES	$ 15,357	$ 14,369

[1] Compensation for Advisory Committee
[2] Includes postage, transportation, photography, and police expenses. Budgeted amount in FY 93-94 for police was $10,000, in FY 94-95 it is $15,000.
[3] Includes $5,000 for signage; $3,000 was included in FY 93-94 budget but will not be expended until next year.
[4] Rent increase of 6.8% effective July 1, 1994.
[5] Includes $3,000 in FY 94-95 for reprinting the "Blue Book".

CULTURAL EQUITY ENDOWMENT

	FY 93-94	FY 94-95
PROJECTED REVENUE	$760,548	$1,070,580
BUDGETED EXPENSES		
PERMANENT SALARIES[1]	$ 31,741	$ 71,547*
BENEFITS	$ 7,300	$ 14,759*
EQUIPMENT[2]	$ 8,000	$ 2,000
OTHER SERVICES[3]	$ 26,550	$ 26,550
MATERIALS AND SUPPLIES[4]	$ 4,100	$ 2,000
SUBTOTAL ADMINISTRATIVE EXPENSES (Before Salary Standardization)	$ 77,691	$ 116,856
Estimated Cost Increase for Salary Standardization (Salary and Benefits)		$ 4,500
TOTAL ADMINISTRATIVE EXPENSES	$ 77,691 *10.22%*	$ 121,356 *11.34%*
TOTAL GRANTS AWARDED	$682,857 *89.78%*	$ 949,224 *88.66%*

[1] FY 93-94 partial year
[2] Computer equipment
[3] Includes printing/copying expenses, postage, telephone, rent, panel expenses, training and software development, conference/travel, and facilities fund consulting services.
[4] Includes office supplies, office furniture, and computer software.

ART COMMISSION
GENERAL FUND BUDGET FY 1994-1995

		** FY 1992-1993 **	** FY 1993-1994 **	** FY 1994-1995 **	
005-01	Visual Arts	500	100	100	
006-01	NAP Sponsorship	500	100	100	
007-01	NAP Admin	7,750	7,675	100	
005-01	Gallery	5,538	5,513	4,021	
Program Budget		14,288	13,388	4,321	
	Administration				
	001 Perm Salary	390,131	373,771	384,472	Before Salary Standardization
	060 Benefits	101,112	77,160	73,831	Before Salary Standardization
	111 Emp car use	100	0	0	
	120 Othr Service*	10,746	82,686	84,661	
	123 Telephone	4,245	0	0	
	130 Mat & Supply	4,750	4,750	4,750	
	140 Fixed Charges	5,680	0	0	
	146 Rental*	67,595	0	0	
	313 Civil Serv	427	595	595	
	330 L, H & Power	26,570	26,000	0	
	350 Reproduction	4,085	4,085	4,085	
	365 CAO-Insur	500	530	530	
	Subtotal Administration	615,941	569,577	552,924	
	Estimated cost of Salary Standardization			22,547	
	Estimated Administration after Standardization			575,471	
	GENERAL FUND TOTAL	630,229	582,965	579,792	Mayor's Office's GF allocation to the Art Commission for FY 1994-1995

* Beginning in FY 1993-1994, rent is included in "Other Services"

0.75
2
4/13/94

S F
A C

SAN FRANCISCO ART COMMISSION

DOCUMENTS DEPT.
APR - 5 1994
SAN FRANCISCO
PUBLIC LIBRARY

PROGRAMS
Civic Art Collection
Civic Design Review
Community Arts
& Education
POPS Symphony Concerts
Public Art Program

Street Artists Licenses
Suite 70
415.252.2581

Art Commission Gallery
155 Grove Street
415.554.9682

STREET ARTISTS PROGRAM COMMITTEE

Wednesday, April 13, 1994 - 4:00 p.m.
Art Commission Conference Room
25 Van Ness Avenue, Suite 70 (basement area)
San Francisco, California

A G E N D A

NOTE: Public testimony is invited and shall be limited to three (3) minutes per person. No member of the public or witness shall cross-examine another member of the public or witness unless approved by the Program Committee.

I REQUEST BY PROGRAM DIRECTOR FOR AUTHORIZATION TO REQUEST FINAL APPROVAL BY BOARD OF SUPERVISORS FOR PERMANENT DESIGNATION OF TWO (2) SELLING SPACES FOR STREET ARTISTS ON BEACH STREET, NORTHWEST CORNER, AT HYDE STREET

II DISCUSSION AND POSSIBLE APPROVAL OF ANY OF THE FOLLOWING AMENDMENTS TO STREET ARTIST LOTTERY RULES AND GUIDELINES AS RECOMMENDED FROM APRIL 6, 1994 JOINT MEETING OF STREET ARTISTS LOTTERY AND LIAISON COMMITTEES

A. LIMIT OF ONE MEMBER OF FAMILY UNIT SERVING ON LOTTERY COMMITTEE (amending Lottery Rule V, "ELECTION OF LOTTERY COMMITTEE")

B. PROHIBITING DISMISSED LOTTERY COMMITTEE MEMBERS FROM RUNNING FOR ELECTION TO LOTTERY COMMITTEE (amending Lottery Rule VII, "INFRINGEMENTS OF GUIDELINES")

C. PROHIBITING SUSPENDED STREET ARTISTS FROM RUNNING FOR ELECTION TO LOTTERY COMMITTEE (amending Lottery Rule VII, "INFRINGEMENTS OF GUIDELINES")

D. PROHIBITING RESIGNED LOTTERY COMMITTEE MEMBERS FROM RUNNING FOR ELECTION TO LOTTERY COMMITTEE (amending Lottery Rule V, "ELECTION OF LOTTERY COMMITTEE")

E. ANNOUNCING ELECTION/CALL FOR CANDIDATES (amending Lottery Rule V, "ELECTION OF LOTTERY COMMITTEE")

F. EXCHANGING DAYS OF RUNNING THE LOTTERY (amending Lottery Rule VIII, "LOTTERY PROCEDURE")

G. TWO ELECTIONS (SAME BALLOT): ONE FOR NEW POSITIONS, ONE FOR FILLING VACANT POSITIONS (amending Lottery Rule V, "ELECTION OF LOTTERY COMMITTEE"

III REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

Continued...

City and County of San Francisco

25 Van Ness Ave. Suite 240. San Francisco, CA. 94102 tel. 415.252.2590 fax 415.252.2595

A. **Roseanne F. Fox - Certificate # 4461** expired January 7, 1994; Ms. Fox's request received March 23, 1994.

B. **Kurtis Leibfacher - Certificate # 3904** expired July July 10, 1991; Mr. Liebfacher's request received March 28, 1994.

C. **Joseph Beckman - Certificate # 4162** expired December 13, 1993; Mr. Beckman's request received March 30, 1994.

IV REQUEST BY APPLICANT FOR WAIVER OF 10-DAY GRACE PERIOD IN OBTAINING CERTIFICATE

A. **Charles Frazier** - was screened and approved for certification on January 27, 1994 but did not pay for certificate.

IV APPROVAL OF CITY ATTORNEY DRAFT OF PROPOSED ORDINANCE AMENDING STREET ARTIST ORDINANCE BY DELETING PROVISION FOR FULL ART COMMISSION APPEAL OF COMMITTEE RECOMMENDATIONS ON STREET ARTIST VIOLATION HEARINGS AND BY PROVIDING FOR APPROVAL OF SUCH COMMITTEE RECOMMENDATIONS BY STREET ARTISTS PROGRAM DIRECTOR ON BEHALF OF EXECUTIVE DIRECTOR OF ART COMMISSION

(NOTE: On December 6, 1993, the Art Commission in Resolution No. 1206-93-534 authorized the Street Artists Program Director to consult with the City Attorney's office in drafting an amendment to the street artist ordinance which would provide for hearings on street artist violations to be conducted by the Street Artists Program Committee, delete the provision for appeal in such cases to the full Commission, and provide for Committee recommendations in such cases to be approved by the Street Artists Program Director on behalf of the Director of the Commission.)

V HEARING ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

John Crenshaw, Heike Crenshaw - Certificates 4517, 4516. (re-hearing of Committee recommendations of 3/9/94) Alleged violations: (1) Selling in a location not designated by Board of Supervisors (John Crenshaw, Heike Crenshaw); (2) Conducting business in a disorderly, improper or hazardous manner (threatening a street artist) (John Crenshaw).

VI ADJOURNMENT

ACCESSIBILITY INFORMATION

**Pursuant to City policy and the requirements of the 1973 Rehabilitation Act and the 1990 Americans with Disabilities Act, all City agencies will make reasonable accommodations to the needs of persons with disabilities.*

Full Commission Meetings, and individual Committee Meetings of the Art Commission will be held at 25 Van Ness Avenue, San Francisco, located on the corner of Oak and Van Ness. All meetings are held in Suite 70, basement level, and can be accessed by the two main elevators in the lobby of the building.

Accessible seating for persons with disabilities, including those in wheelchairs, will be available.

Accessible curbside parking has been designated on Oak Street between Van Ness Avenue and Franklin Street.

Accessible MUNI lines that serve this location are:

J, K, L, M, and N Trains--stopping at Van Ness and Market, one-half block from the building.

9, 26, and 42 Buses--serving the area of Van Ness and Market.

Civic Center BART, located at the intersection of Grove, Hyde, and Market Streets.

For more information on accessible transit, call (415) 923-6142.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our **accessibility hotline at (415) 554-8925** to discuss meeting accessibility. In order to assist the city's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accomodate these individuals.

American sign language interpreters and/or a sound enhancement system will be available upon request at meetings. Please contact Sonia Gray in the Community Arts and Education Program at (415)554-9671 at least 72 hours prior to meeting. Late requests will be honored if possible.

.75
3/94

S F
A C

SAN FRANCISCO ART COMMISSION

DOCUMENTS DEPT.
APR 28 1994
SAN FRANCISCO
PUBLIC LIBRARY

PROGRAMS
Civic Art Collection
Civic Design Review
Community Arts
& Education
POPS Symphony Concerts
Public Art Program

Street Artists Licenses
Suite 70
415.252.2581

Art Commission Gallery
155 Grove Street
415.554.9682

STREET ARTISTS PROGRAM COMMITTEE

April 13, 1994
Art Commission Conference Room
25 Van Ness Avenue, Suite 70
San Francisco, California

M I N U T E S

Commissioners present: Terri Simon, Tom Flynn
Commissioner absent: Aristides Demetrios

Staff present: Director of Street Artists Program Howard Lazar
Certification Clerk Antoinette Butt

Commissioner Simon, Chair, called the meeting to order at 4:00 p.m.

I REQUEST BY PROGRAM DIRECTOR FOR AUTHORIZATION TO REQUEST FINAL APPROVAL BY BOARD OF SUPERVISORS FOR PERMANENT DESIGNATION OF TWO (2) SELLING SPACES FOR STREET ARTISTS ON BEACH STREET, NORTHWEST CORNER, AT HYDE STREET

The Program Director reported that the two spaces on Beach Street had been designated by the Board of Supervisors in 1991 on a temporary basis and had been re-designated in 1992 and in 1993. It was now time for a final consideration by the Board for permanent designation. As before, the Board would have to determine whether or not the two spaces endanger the public, result in congested pedestrian traffic, or threaten the continuation of pre-existing permit holders in the immediate area. One such permit-holder, Stanley Roth of Cartwheels, whose hot dog stand is directly across from the two spaces, telephoned the Program Director to request that the spaces be re-designated for another six months in order to see whether his new-sized stand will work amicably with the street artists' stands; if there are no problems over the summer, he will not oppose permanent designation of the spaces.

Commissioner Simon moved that the Program Director be authorized to request approval by the Board of Supervisors for temporary designation of six months for the two selling spaces on Beach Street, northwest corner, at Hyde Street; the motion was seconded by Commissioner Flynn and unanimously approved.

II DISCUSSION AND POSSIBLE APPROVAL OF AMENDMENTS TO STREET ARTIST LOTTERY RULES AND GUIDELINES AS RECOMMENDED FROM APRIL 6, 1994 JOINT MEETING OF STREET ARTISTS LOTTERY AND LIAISON COMMITTEES

City and County of San Francisco

Commissioner Simon moved that the following amendments to the Lottery Rules, as recommended from the April 6, 1994 joint meeting of the Street Artists Lottery and Liaison Committees, be approved:

PROHIBITING DISMISSED LOTTERY COMMITTEE MEMBERS FROM RUNNING FOR ELECTION TO LOTTERY COMMITTEE: Any member dismissed by the Art Commission, due to infringement of any lottery rule or guideline or violation of any provision of the street artist ordinance, shall be prohibited from running for election to the Lottery Committee for a period of one (1) year after such dismissal. (amending Lottery Rule VII, "INFRINGEMENTS OF GUIDELINES")

PROHIBITING SUSPENDED STREET ARTISTS FROM RUNNING FOR ELECTION TO LOTTERY COMMITTEE: Any street artist serving a certificate suspension for having violated any provision of the street artist ordinance shall be prohibited from running for election to the Lottery Committee during the period of his/her suspension. (amending Lottery Rule VII)

ANNOUNCING ELECTION/CALL FOR CANDIDATES: One week prior to an election, at the Saturday lottery prior to the pulling of numbers for spaces, the Lottery member running the lottery shall provide for a verbal announcement of the election and a call for candidates and shall clearly state the location of a list on which candidates shall enter their names. (amending Lottery Rule V, "ELECTION OF LOTTERY COMMITTEE")

The motion was seconded by Commissioner Flynn and unanimously approved.

III REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Roseanne F. Fox - Certificate # 4461 expired January 7, 1994; Ms. Fox's request was received March 23, 1994. Commissioner Simon moved that Ms. Fox's request for priority be approved; the motion was seconded by Commissioner Flynn and unanimously approved.

B. Kurtis Leibfacher - Certificate # 3904 expired July 10, 1991; Mr. Leibfacher's request was received March 28, 1994. Mr. Leibfacher corroborated his letter to the Commission with an accompanying medical document: he had given up his street artist certificate due to illness.

Commissioner Simon moved that Mr. Leibfacher's request

for priority be approved; the motion was seconded by Commissioner Flynn and unanimously approved.

Commissioner Simon moved that a re-screening of Mr. Leibfacher's wares be waived; the motion was seconded by Commissioner Flynn and unanimously approved.

C. Joseph Beckman - Certificate # 4162 expired December 13, 1993; Mr. Beckman's request was received March 30, 1994. Commissioner Simon moved that Mr. Beckman's request for priority be approved; the motion was seconded by Commissioner Flynn and unanimously approved.

IV REQUEST BY APPLICANT FOR WAIVER OF 10-DAY GRACE PERIOD IN OBTAINING CERTIFICATE

A. Charles Frazier - Mr. Frazier was screened and approved for certification on July 27, 1994 but, according to his letter, had not been able to pay for his certificate within the allotted 10-day grace period. Commissioner Simon moved that Mr. Frazier's request for waiver be approved; the motion was seconded by Commissioner Flynn and unanimously approved.

V APPROVAL OF CITY ATTORNEY DRAFT OF PROPOSED ORDINANCE AMENDING STREET ARTIST ORDINANCE BY DELETING PROVISION FOR FULL ART COMMISSION APPEAL OF COMMITTEE RECOMMENDATIONS ON STREET ARTIST VIOLATION HEARINGS AND BY PROVIDING FOR APPROVAL OF SUCH COMMITTEE RECOMMENDATIONS BY STREET ARTISTS PROGRAM DIRECTOR ON BEHALF OF EXECUTIVE DIRECTOR OF ART COMMISSION

The Commissioners acknowledged that the City Attorney's draft fulfilled Art Commission Resolution No. 1206-93-534 which authorized the Street Artists Program Director to consult with the City Attorney in drafting an amendment which would contain the above provisions. The amendment would not require voters' approval; it would be submitted to the Board of Supervisors for adoption. The draft made it clear that the Program Director would automatically approve the findings and recommendations of the Program Committee but could disapprove such findings and recommendations and order a re-hearing if (a) a fair and public hearing had not occurred, or (b) evidence critical to the artist's case had not been introduced or new evidence was available which the artist could not have obtained earlier, or (c) the artist failed to appear at the hearing and, with good cause, requsted another hearing. The draft also emphasized that the Program Director's decision concerning

the suspension or revocation of a certificate could not be appealed to any level of the Art Commission. The decision could be appealed directly to the Board of Permit Appeals.

Street artists Robert Clark, Virginia Burris, and Ray Jones requested a provision allotting a time period between the Program Committee's recommendation and the Program Director's issuance of decision, in order to allow a reasonable amount of time for an artist to request a re-hearing.

Commissioner Flynn moved that the City Attorney's draft be approved for submittal to the Board of Supervisors, and that, upon its approval by the Supervisors, the Art Commission approve a policy allowing for five (5) business days after Program Committee recommendation for a street artist to request a re-hearing subject to the requirements for such request as stated in the City Attorney's draft; the motion was seconded by Commissioner Simon and unanmously approved.

VI HEARING ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. John Crenshaw, Heike Crenshaw - Certificates 4517, 4516. (John Crenshaw had requested a re-hearing of the Committee's findings and recommendations of March 9, 1994, because of his and Heike Crenshaw's inability to appear.)

In re-hearing the case, the Committee heard Street Artist Eunice Rodriguez again testify to having witnessed the Crenshaws selling in an illegal location (Beach Street, northeast corner, at Hyde Street) on January 23, 1994, to their refusal to move to a legal location when she asked them, and to Mr. Crenshaw's verbally threatening her.

Street Artist Jesse Rodriguez testified that he saw John Crenshaw set up with his display in the illegal location on that day.

Street Artist Scott Randle testified that he was selling a few feet away from space "Hyde-21" that day when he saw John Crenshaw set up in the illegal location, but he did not hear the verbal exchange between Mr. Crenshaw and Mrs. Rodriguez.

Officer Dan Wynne testified to being called to the incident at 12:30 p.m. and witnessing the Crenshaws in the illegal

location; they were fully set up, their merchandise clearly on display. When he told them to pack up, Mrs. Crenshaw protested.

Mr. Crenshaw stated that he and his wife had been selling on Hyde Street, that the wind and the rain - a quick downpour at 12:30 p.m. - had toppled their display, and that they had moved to the more sheltered position around the corner to repair their display. They made no sales there and had no customers. He denied threatening Mrs. Rodriguez. He apologized to Mr. Rodriguez for any misunderstanding.

Mrs. Rodriguez further testified that she had witnessed Mr. Crenshaw conduct business in the illegal location and that he had talked to customers. She also stated that there had been no wind or rain, that it had been a bright, sunny day.

Program Director Lazar reported that he had called the National Weather Service for the weather for the day of the incident and had been told that it had rained in the morning before 10:00 a.m. and had yielded only 1/100th of an inch between 10 and 11:23 a.m., that the wind at noontime was only 11 knots and "not considered strong."

Officer Wynne testified that it was sunny when he responded to the call.

Commissioner Flynn noted that there was a preponderance of evidence (witness testimony) that the Crenshaws had sold in an illegal location, but that there was only one witness's word against the defendant's and therefore not a preponderance of evidence regarding the charge against Mr. Crenshaw of having threatened an artist.

Commissioner Flynn moved that the Committee rescind its recommendation of March 9, 1994 that John Crenshaw be found in violation for conducting business in a disorderly, improper or hazardous manner by threatening a street artist; the motion was seconded by Commissioner Simon and unanimously approved.

Commissioner Flynn moved that John Crenshaw be found in violation for selling in a location not designated by the Board of Supervisors, and that Mr. Crenshaw's certificate be suspended for a period of three weeks should he re-apply for and receive a new certificate; the motion was seconded by Commissioner Simon and unanimously approved.

The Committee noted that its finding and recommendation of March 9, 1994, regarding Heike Crenshaw (three-week suspension for selling in a non-designated location), still stood and would be submitted to the full Commission.

VII COMMENTS FROM THE PUBLIC

Street Artist Robert Clark requested two items be put on the next month's Committee agenda: (1) Hearing and possible motion to rescind the Commission's 10-day policy for new artists to pay for a certificate; and (2) Hearing and possible motion to amend the Program's certification procedures by starting a renewed certificate's validity on the day it is renewed within the 10-day grace period (rather than back-dating it to its original expiration day).

Street Artist Eunice Rodriguez said she would oppose Mr. Clark's second item.

Street Artist Therese Koller said she would submit items regarding additional amendments to the lottery rules and procedures to be placed on the next agenda.

There being no further business, Commissioner Simon adjourned the meeting at 5:00 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

S 75
A 7
#2
5/11/94

S F
A C

SAN FRANCISCO ART COMMISSION

DOCUMENTS DEPT.

MAY 4 1994

SAN FRANCISCO PUBLIC LIBRARY

STREET ARTISTS PROGRAM COMMITTEE

Wednesday, May 11, 1994 - 4:00 p.m.
Art Commission Conference Room
25 Van Ness Avenue, Suite 70 (basement area)
San Francisco, California

A G E N D A

Note: Public testimony is invited and shall be limited to three (3) minutes per person. No member of the public or witness shall cross-examine another member of the public or witness unless approved by the Program Committee.

I HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

A. **Dickran Knoble - Certificate #1994.** Alleged violation: Selling in a location not designated by the Board of Supervisors.

B. **Charles Strobino - Certificate #3169.** Alleged violation: Selling in a location not designated by the Board of Supervisors.

II REQUEST FOR WAIVER OF 10-DAY GRACE PERIOD IN OBTAINING CERTIFICATE

A. **Frank Berumen** (former certificate-holder) approved by Art Commission March 7, 1994 for priority in issuance of certificate.

III REQUESTS BY FORMER CERTIIFCATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. **Deborha Richardson - Certificate #4258** expired January 16, 1993; Mrs. Richardson's request was received April 1, 1994.

B. **Dennis Klein - Certificate #2690** expired January 13, 1994; Mr. Klein's request was received April 11, 1994.

C. **Penelope Valle - Certificate #4371** expired January 25, 1994; Ms. Valle's request was received April 21, 1994.

D. **Xiu Juan Ji - Certificate #4238** expired September 25, 1993; Ms. Ji's request was received April 18, 1994.

E. **Joseph Williams - Certificate #4140** expired February 5, 1994; Mr. Williams' request received April 28, 1994.

IV HEARING AND POSSIBLE MOTION TO RESCIND 10-DAY GRACE PERIOD (AFTER COMMITTEE EXAMINATION) IN OBTAINING CERTIFICATE

PROGRAMS
Civic Art Collection
Civic Design Review
Community Arts & Education
POPS Symphony Concerts
Public Art Program

Street Artists Licenses Suite 70 415.252.2581

Art Commission Gallery 155 Grove Street 415.554.9682

City and County of San Francisco

V HEARING AND POSSIBLE MOTION TO APPROVE PROCEDURE OF COMMENCING VALIDITY OF A RENEWED CERTIFICATE ON THE DAY OF ITS PAYMENT (WITHIN THE 10-DAY GRACE PERIOD)

VI HEARING AND POSSIBLE MOTION TO APPROVE ANY OF THE FOLLOWING PROPOSALS TO AMEND LOTTERY RULES AND GUIDELINES

A. LIMITING THE NUMBER OF COMPENSATED SPACES IN EXCHANGE FOR RUNNING THE LOTTERY: In any given month, no individual artist or family unit may be compensated with more than four (4) days of free selling spaces in exchange for running the lottery. (amending Rule VIII, "LOTTERY PROCEDURE")

B. PROHIBITING LOTTERY COMMITTEE MEMBER FROM BEING COMPENSATED WITH FREE SPACE FOR BEING HELPER: A Lottery Committee member may not be compensated by receiving a free space if asked to serve as helper under any circumstance. (amending Rule VI, "HELPER'S RULE")

C. ABOLISHING UNOFFICIAL MINI-MINI LOTTERY ON SECOND DAY OF LOTTERY PERIOD: The practice of holding an unofficial "mini-mini lottery" on the second day of any lottery period is abolished. (amending Rule X, "MINI-LOTTERIES")

D. PROVIDING FOR IMMEDIATE DISMISSAL OF LOTTERY MEMBER FOR FAILURE TO RUN LOTTERY: Failure of a Lottery Committee member to appear to run the lottery on his/her day twice during their elected term shall result in immediate dismissal from the Committee by the Street Artists Program Director; such dismissal may be appealed to the Art Commission; however, the member may not serve on the Lottery Committee during the interim of dismissal and decision from appeal. (amending Rule VII, "INFRINGEMENTS OF GUIDELINES")

ACCESSIBILITY INFORMATION

**Pursuant to City policy and the requirements of the 1973 Rehabilitation Act and the 1990 Americans with Disabilities Act, all City agencies will make reasonable accommodations to the needs of persons with disabilities.*

Full Commission Meetings, and individual Committee Meetings of the Art Commission will be held at 25 Van Ness Avenue, San Francisco, located on the corner of Oak and Van Ness. All meetings are held in Suite 70, basement level, and can be accessed by the two main elevators in the lobby of the building.

Accessible seating for persons with disabilities, including those in wheelchairs, will be available.

Accessible curbside parking has been designated on Oak Street between Van Ness Avenue and Franklin Street.

Accessible MUNI lines that serve this location are:

J, K, L, M, and N Trains--stopping at Van Ness and Market,
one-half block from the building.
9, 26, and 42 Buses--serving the area of Van Ness and Market.
Civic Center BART, located at the intersection of Grove, Hyde, and Market Streets.
For more information on accessible transit, call (415) 923-6142.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our **accessibility hotline at (415) 554-8925** to discuss meeting accessibility. In order to assist the city's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accomodate these individuals.

American sign language interpreters and/or a sound enhancement system will be available upon request at meetings. Please contact Sonia Gray in the Community Arts and Education Program at (415)554-9671 at least 72 hours prior to meeting. Late requests will be honored if possible.

SAN FRANCISCO ART COMMISSION
25 VAN NESS AVE. SUITE 240, SAN FRANCISCO, CA. 94102

DOCUMENTS DEPT.
JUN 4 1994
SAN FRANCISCO
PUBLIC LIBRARY

S|F
A|C
F
1075
.A1
5/11/94

STREET ARTISTS PROGRAM COMMITTEE

May 11, 1994
Art Commission Conference Room
25 Van Ness Avenue, Suite 70
San Francisco, California

M I N U T E S

Commissioners present: Terri Simon, Tom Flynn
Commissioner absent: Aristides Demetrios

Staff present: Director of Street Artists Program Howard Lazar
Certification Clerk Antoinette Worthy (Butt)

Commissioner Simon, Chair, called the meeting to order at 4:00 p.m.

I HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE

Dickran Knoble - Certificate # 1994; Charles Strobino - Certificate # 3169. Program Director Lazar submitted a letter from Street Artists Silina and Robert Kreisel alleging that on April 16, 1994, Street Artists Srobino and Knoble sold in locations not designated by the Board of Supervisors - specifically, Strobino, who had obtained space "B-39" in the lottery, allegedly sold outside of the space; while Knoble, who had not obtained a space, allegedly sold between spaces "B-38" and "B-39."

Mr. and Mrs. Kreisel testified that, on April 16th, Mr. Strobino was set up with display between "B-39" and the adjacent crosswalk during the morning, and between 5:00 - 5:30 p.m., Mr. Knoble occupied this location while Mr. Strobino sold in the legal space he had obtained, "B-39." Mr. and Mrs. Kreisel observed Lottery Committee member Virginia Burris speak to the two artists at 12:00 noon, but she could not get either of them to move to a legal space. Mr. Kreisel further testified that Strobino and Knoble had made it a practice, over the past five years, to sell in the illegal location next to "B-39." Mr. Kreisel submitted photos of the two taken, he said, in 1991.

Mr. Lazar informed the Commissioners that Mr. Strobino's file contained no report of any earlier alleged violation of any kind, but Mr. Knoble's file contained a copy of a written notice issued by Lazar to Knoble on August 28, 1992, citing Knoble's alleged selling in the illegal location next to "B-39." Lazar submitted the notice and accompanying photographs.

Mr. Knoble stated that during the entire afternoon of April

16th he was between "B-38" and "B-39" with the intention of moving into a legal space when such a space would be vacated. In response to questions by the Commissioners, he said that during the afternoon he "was more set up than not set up" for business.

Mr. Strobino stated that when Lottery member Burris told him at noon that he was outside of his space, he moved back to his space. He said also that artists who sell in spaces "B-39" to "44" tend to "slide down" (away) from their spaces to be closer to the flow of customers coming from the crosswalk. Strobino admitted that, in "sliding," he and his display had been two feet outside of his space. He asked the Commissioners to consider that his file had no record of any violation prior to the present complaint. He also stated that he had nothing to do with Mr. Knoble or the complaint against him, and that this was a case of photographer competitors, the Kreisels and Knoble, having an ongoing problem with each other.

Mrs. Kreisel testified that, despite Lottery member Burris having talked to the two artists, both Strobino and Knoble still had not moved from their illegal locations as of 2:15 p.m. Mrs. Kreisel submitted the lottery's April 16 sign-up sheet which, she said, showed plenty of unused spaces from which Knoble could have chosen. The Commissioners observed that Knoble's name did not appear at all on the sheet, whereas Strobino's name was entered in "B-39."

Mr. Kreisel testified that Strobino's selling in the illegal location between "B-39" and the crosswalk, in addition to violating the sales space regulation, was a violation of the regulation which prohibits street artists from selling within five feet of a crosswalk.

The Commissioners asked Lottery Member Virginia Burris to testify. Ms. Burris refused.

Commissioner Simon moved that Dickran Knoble be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Mr. Knoble's certificate be suspended for a period of three weeks; the motion was seconded by Commissioner Flynn and unanimously approved.

Commissioner Flynn stated that in the absence of another witness who could testify that Strobino did not move back

to his legal space, Strobino should be given a warning.

Commissioner Flynn moved that Charles Strobino be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Mr. Strobino be warned that any future such violation committed by Mr. Strobino shall result in a hearing to suspend his certificate; the motion was seconded by Commissioner Simon and unanimously approved.

II **REQUEST FOR WAIVER OF 10-DAY GRACE PERIOD IN OBTAINING CERTIFICATE**

Frank Berumen (former certificate-holder) was approved by the Art Commission on March 7, 1994 for priority issuance of a street artist certificate. Mr. Berumen explained that at the time of approval he did not have the funds to pay for his certificate and exceeded the 10-day policy for obtaining it. Commissioner Simon moved that Frank Berumen's request for waiver of the 10-day grace period in obtaining a certificate be approved; the motion was seconded by Commissioner Flynn and unanimously approved.

III **REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE**

A. **Deborha Richardson - Certificate #4258** expired January 16, 1993; Mrs. Richardson's request was received April 1, 1994. Mrs. Richardson presented medical documents regarding her husband's condition which, she said, had caused her to leave the Street Artists Program. Commissioner Simon moved that Deborha Richardson's request for priority issuance of certificate be approved with waiver of a re-screening; the motion was seconded by Commissioner Flynn and unanimously approved.

B. **Dennis Klein - Certificate #2690** expired January 13, 1994; Mr. Klein's request was received April 11, 1994. Commissioner Simon moved that Dennis Klein's request for priority issuance of certificate be approved; the motion was seconded by Commissioner Flynn and unanimously approved.

C. **Penelope Valle - Certificate 4371** expired January 25, 1994; Ms. Valle's request was received April 21, 1994. Commissioner Simon moved that Penelope Valle's request for priority issuance of certificate be approved; the motion was seconded by Commissioner Flynn and unanimously

approved.

D. **Xian Juan Ji - Certificate #4238** expired September 25, 1993; Ms. Ji's request was received April 18, 1994. The Committee noted that Ms. Ji's file contained reports and photographs of Ms. Ji allegedly having sold in illegal locations on August 28 and November 30, 1992 and that she had been given warnings at that time. Commissioner Flynn moved that Ms. Xian Juan Ji's request for priority issuance of certificate be approved with waiver of re-screening and with the stipulation that the Program Committee duly warns her that, once she is certified, any further incident of her alleged selling in an illegal location shall result in a hearing to suspend her certificate; the motion was seconded by Commissioner Simon and unanimously approved. (Ms. Ji examined the reports and photographs and received the Committee's recommendation with warning as translated to her by Street Artist Ching Sun who told the Commissioners that Ms. Ji understood the warning.)

E. **Joseph Williams - Certificate #4141** expired February 5, 1994; Mr. Williams' request was received April 28, 1994. Commissioner Flynn moved that Joseph Williams' request for priority issuance be approved; the motion was seconded by Commissioner Simon and unanimously approved.

IV **HEARING AND POSSIBLE MOTION TO RESCIND 10-DAY GRACE PERIOD (AFTER ADVISORY COMMITTEE EXAMINATION) IN OBTAINING CERTIFICATE**

Street Artist Robert Clark requested that the ten-day grace period for new artists to pay for their certificates be rescinded and replaced with a policy that would allow a grace period of thirty days to give artists, who lack funds, more time to raise the money for their certificates.

Street Artist John Bass opposed the proposal. Street Artist Eunice Rodriguez testified that any artist on the waiting list for a certificate has plenty of time to raise the money; she favored a fifteen-day grace period rather than thirty days.

Commissioner Flynn moved that the ten-day policy on issuance of certificate as provided by Art Commission Resolution 1979-356 be rescinded and replaced with a policy allotting fifteen (15) office work days from an applicant's examina-

tion of wares for the applicant to obtain a certificate; the motion was seconded by Commissioner Simon and unanimously approved.

V HEARING AND POSSIBLE MOTION TO APPROVE PROCEDURE OF COMMENCING VALIDITY OF A RENEWED CERTIFICATE ON THE DAY OF ITS PAYMENT (WITHIN THE 10-DAY GRACE PERIOD)

Commissioner Flynn asked that this item be continued to the next month's meeting, as the Program had not yet received a response from the City Attorney's office. Commissioner Simon requested the Program Director to so calendar it.

VI HEARING AND POSSIBLE MOTION TO APPROVE ANY OF THE FOLLOWING PROPOSALS TO AMEND LOTTERY RULES AND GUIDELINES

A. **LIMITING THE NUMBER OF COMPENSATED SPACES IN EXCHANGE FOR RUNNING THE LOTTERY:** "In any given month, no individual artist or family unit may be compensated with more than four (4) days of free selling spaces in exchange for running the lottery" (amending Rule VIII, "LOTTERY PROCEDURE")

Lottery Committee member Therese Koller presented the above proposal to correct, she said, alleged abuses by Lottery members of monopolizing free selling spaces. Street Artist Jose DaSilva endorsed the proposal. Street Artists Bill Clark, Barbara Zerbe, and John Bass and Lottery Committee member Virginia Burris opposed it.

Commissioner Flynn moved that the item and the additional three items amending lottery rules on the agenda be continued to the following month's meeting; the motion was seconded by Commissioner Simon and unanimously approved.

(The above Lottery proposal and the following three proposals will be calendared for the June meeting: (B) PROHIBITNG LOTTERY COMMITTEE MEMBER FROM BEING COMPENSATED WITH FREE SPACE FOR BEING HELPER; (C) ABOLISHING UNOFFICIAL MINI-MINI LOTTERY ON SECOND DAY OF LOTTERY PERIOD; (D) PROVIDING FOR IMMEDIATE DISMISSAL OF LOTTERY MEMBER FOR FAILURE TO RUN LOTTERY.)

The meeting adjourned at 5:40 p.m.

Respectfully submitted:
Howard Lazar
Howard Lazar, Director
Street Artists Program

DOCUMENTS DEPT.
JUN 29 1994
SAN FRANCISCO
PUBLIC LIBRARY

S F A C

SAN FRANCISCO ART COMMISSION

PROGRAMS
CIVIC ART COLLECTION
CIVIC DESIGN REVIEW
COMMUNITY ARTS & EDUCATION
OPS SYMPHONY CONCERTS
PUBLIC ART PROGRAM

STREET ARTISTS LICENSES
SUITE 70
415.252.2581

ART COMMISSION GALLERY
155 GROVE STREET
415.554.9682

STREET ARTISTS PROGRAM COMMITTEE

June 8, 1994
Art Commission Conference Room
25 Van Ness Avenue, Suite 70
San Francisco, California

M I N U T E S

Commissioners present: Terri Simon, Tom Flynn
Commissioner absent: Aristides Demetrios

Staff present: Director of Street Artists Program Howard Lazar
Certification Clerk Antoinette Worthy

Commissioner Simon, Chair, called the meeting to order at 4:10 p.m.

I HEARING AND POSSIBLE MOTION TO APPROVE PROPOSAL FOR NINE (9) STREET ARTIST SELLING SPACES AT FISHERMAN'S WHARF

A. 1 space - Beach St., northeast corner, at Hyde St. (in front of SF Maritime warehouse).

B. 4 spaces - Jefferson St., south side, at Hyde St. (in front of SF Maritime warehouse).

C. 1 space - Jefferson St., south side, at Leavenworth St. (former space "J-9" in front of The Cannery).

D. 3 spaces - Beach St., north side, at Columbus (adjacent to The Cannery courtyard).

Program Director Howard Lazar reported that he had received the above proposal from Mr. Sherwin Stample and other street artists and had measured the locations, drawn maps, and sent copies of the maps and proposal to Mr. Ed Radford, Property Officer/Warehouse, San Francisco Maritime National Historical Park (National Park Service); Mr. Christopher Martin, General Manager, The Cannery; Mr. Alessandro Baccari, Executive Secretary, Fisherman's Wharf Merchants Association; and Mr. Elliott Riley, Commercial Property Manager, Port of San Francisco. He met with both Mr. Radford and Mr. Martin to review the sites. Mr. Radford had asked that the initial proposal for two spaces near his warehouse's door on Beach at Hyde be reduced to one space and that the other space be added to the three proposed around the corner on Jefferson Street, adjacent to his building. Mr. Martin had asked the Program Director to inform the Commissioners that The Cannery would go along with the request for the three spaces on Beach, adjacent to The Cannery's courtyard, and for old "J-9" on Jefferson

CITY AND COUNTY OF SAN FRANCISCO

provided that the artists refrain from using two current spaces, "J-7" and "J-8," now opposite a door which had recently been built in The Cannery.

The Program Director described how five of the spaces, if approved, would require exemptions from either or both the distance-from-door regulation and the distance-from-selling space regulation; whereas four of the spaces would require no exemptions at all.

Street Artists John Shaw and Therese Koller asked to consider relinquishing the proposal in order to save the two current spaces by asking for their exemption. Street Artist Larry Rosenbloom asked that the other three current spaces be "clustered" by exempting them from the distance-from-selling space regulation. Street Artist James Millard, however, endorsed the proposal and argued that on the past Saturday 180 artists participated in a lottery for only 60 good spaces, that if the artists wanted more spaces, the cooperation of the store merchants was vital, and that the loss of two prime spaces was not as important as the gain of nine others.

Commissioner Flynn moved that the Board of Supervisors be requested to designate the nine proposed selling spaces for street artists as an addition to all current legal spaces; the motion was seconded by Commissioner Simon and unanimously approved.

At the request of some of the artists present, the Commissioners directed Mr. Lazar to ask the City Attorney's office for clarification as to the terms under which artist spaces may be rendered invalid - for example, does the appearance of a new doorway opposite an existing space automatically render the space invalid? Would the Board of Supervisors have to take action to invalidate or de-designate the space? If so, could the space remain valid until it is formally de-designated?

II **HEARING AND POSSIBLE MOTION TO APPROVE PROCEDURE OF COMMENCING VALIDITY OF A RENEWED CERTIFICATE ON THE DAY OF ITS PAYMENT (WITHIN THE 10-DAY GRACE PERIOD)** (continued from 5/11/94 meeting)

As the City Attorney had not yet furnished a response to the Program Director's questions on the matter, Commissioner Simon continued the item to the next month's agenda.

III REQUEST BY APPLICANT FOR WAIVER OF 10-DAY GRACE PERIOD IN OBTAINING CERTIFICATE

A. **Constance Cleghorn** - recommended by Advisory Committee of Street Artists and Craftsmen Examiners on April 28, 1994 for issuance of certificate; Ms. Cleghorn's written request was to pay for her certificate on June 28, 1994. Commissioner Flynn moved that Ms. Cleghorn's request for waiver of the ten-day grace period in obtaining a certificate be approved; the motion was seconded by Commissioner Simon and unanimously approved.

IV HEARING AND POSSIBLE MOTION TO APPROVE ANY OF THE FOLLOWING PROPOSALS TO AMEND LOTTERY RULES AND GUIDELINES

A. **Limiting the number of compensated spaces in exchange for running the lottery.**

B. **Prohibiting Lottery Committee member from being compensated with free space for being helper.**

C. **Abolishing unofficial mini-mini lottery on second day of lottery period.**

D. **Providing for immediate dismissal of lottery member for failure to run lottery.**

E. **Filling vacancy on Lottery Committee.**

F. **Abolishing unofficial mini-mini lottery for every day and establishing an official mini-lottery.**

G. **Rescinding provision for election of Lottery Committee members and providing for selection of members by candidates drawing lots.**

While Street Artist Therese Koller endorsed the first proposal, Street Artists Larry Rosenbloom and Ray Jones asked that, before any of the proposals be voted on, the artists vote at a Saturday lottery on the proposals in order to express treir views to the Commissioners.

Commissioner Flynn moved that the above proposals be sent to the Street Artists Liaison Committee for refinement of wording and placement with other lottery measures on a ballot to be mailed to all street artists, and that the results of the vote be given to the Street Artists Program Committee for consideration of the

proposals; the motion was seconded by Commissioner Simon and unanimously approved.

Commissioner Flynn asked that all street artists be notified of the meeting of the Liaison Committee to draft the ballot, and that when all artists are finally sent a ballot, a letter be enclosed from the Program Director informing the artists that their opinions, as expressed on the ballot, would be advisory to the Commissioners, and that the artists could express on the ballot their views on other lottery matters.

The Commissioners further asked Mr. Lazar to convey their request to the Lottery Committee to submit the daily space-assignment sheets to the Program office.

There being no further business, the meeting adjourned at 5:20 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

SAN FRANCISCO ART COMMISSION

PROGRAMS
CIVIC ART COLLECTION
CIVIC DESIGN REVIEW
COMMUNITY ARTS
& EDUCATION
PS SYMPHONY CONCERTS
PUBLIC ART PROGRAM

STREET ARTISTS LICENSES
SUITE 70
415.252.2581

ART COMMISSION GALLERY
155 GROVE STREET
415.554.9682

DOCUMENTS DEPT.
JUL 19 1994
SAN FRANCISCO
PUBLIC LIBRARY

N O T I C E

The regular meeting of the Art Commission's Street Artists Program Committee scheduled for Wednesday, July 13, 1994, was cancelled due to lack of qourum.

The next regular meeting of the Street Artists Program Committee is scheduled for **Wednesday, August 10, 1994 - 4:00 p.m.**, Art Commission Conference Room, Suite 70, 25 Van Ness Avenue, San Francisco.

CITY AND COUNTY OF
SAN FRANCISCO

25 VAN NESS AVE. SUITE 240. SAN FRANCISCO, CA. 94102 TEL. 415.252.2590 FAX 415.252.2595

DOCUMENTS DEPT.
AUG 5 1994
SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO ART COMMISSION

STREET ARTISTS PROGRAM COMMITTEE

Wednesday, August 10, 1994 - 4:00 p.m.
Art Commission Conference Room
25 Van Ness Avenue, Suite 70 (basement area)
San Francisco, California

A G E N D A

Note: Public testimony is invited and shall be limited to three (3) minutes per person. No member of the public or witness shall cross-examine another member of the public or witness unless approved by the Program Committee.

I MOTION TO SELECT AND APPROVE WINNER OF $250 CASH PRIZE FOR DESIGN PROPOSAL OF DISPLAY SIGNAGE

The Committee will select and approve a winner from all proposals submitted by Street Artists to the Program office as of the deadline, May 31, 1994. The purposes of the awarded display signage are to increase the artists' public visibility, identify the artists as licensed participants of a City-run art program, distinguish the artists from street vendors, and assist in the enforcement of the street artist and peddler ordinances.

II HEARING AND POSSIBLE MOTION TO APPROVE CERTIFICATION PROCEDURE OF COMMENCING VALIDITY OF A RENEWED CERTIFICATE ON THE DAY OF ITS PAYMENT (WITHIN THE 10-DAY GRACE PERIOD)

III HEARING AND POSSIBLE MOTION TO APPROVE RECOMMENDATION FROM ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS FOR AMENDMENT TO ART COMMISSION'S HEARING PROCEDURE ON STREET ARTIST VIOLATIONS

The Advisory Committee's recommendation: "Any observation of a street artist's alleged first time non-compliance to the Art Commission's arts and crafts criteria, as reported by two or more members of the Advisory Committee of Street Artists and Craftsmen Examiners, an Art Commissioner, or staff of the Street Artists Program, may be brought to the attention of the Director of the Street Artists Program who shall notify the artist to appear before the Advisory Committee of Street Artists and Craftsmen Examiners for a re-examination of the item(s) in question and to cease and desist selling or offering for sale the item(s). The Director shall warn the artist that failure to appear before the Advisory Committee may result, and failure to cease and desist selling the item(s) shall result, in a charge of violation of the Street Artist Ordinance for selling an item not in accord with Art Commission criteria." (language amended by Program Director, 7/25/94)

PROGRAMS
CIVIC ART COLLECTION
CIVIC DESIGN REVIEW
COMMUNITY ARTS & EDUCATION
OPS SYMPHONY CONCERTS
PUBLIC ART PROGRAM

STREET ARTISTS LICENSES
SUITE 70
415.252.2581

ART COMMISSION GALLERY
155 GROVE STREET
415.554.9682

CITY AND COUNTY OF SAN FRANCISCO

25 VAN NESS AVE. SUITE 240. SAN FRANCISCO, CA. 94102 TEL. 415.252.2590 FAX 415.252.2595

IV REPORT BY PROGRAM DIRECTOR ON RECOMMENDATION BY ADVISORY COMMITTEE OF STREET ARTISTS AND CRAFTSMEN EXAMINERS TO ART COMMISSION EXECUTIVE COMMITTEE FOR ORDINANCE INCREASING COMPENSATION OF ADVISORY COMMITTEE MEMBERS FROM $50 PER MEETING/STUDIO VISIT/STREET MONITORING DUTY TO $80 PER MEETING/STUDIO VISIT/STREET MONITORING DUTY X 25 MEETINGS/STUDIO VISITS/STREET MONITORING DUTIES PER YEAR (an increase of $750 per member per year or $3,750 per five members per year)

V HEARING AND POSSIBLE MOTION TO APPROVE REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY CERTIFICATION

Margaret Cotts - Certificate #4259 expired January 12, 1993; Ms. Cotts's request was received June 23, 1994.

VI HEARING AND POSSIBLE MOTION TO APPROVE REQUEST BY APPLICANTS FOR WAIVER OF POLICY IN CERTIFICATION

Nancy Morris and Kathleen Peabody - approved by Advisory Committee on May 26, 1994; their request for wiaver of policy until October, 1994 was received June 7, 1994.

VII HEARING AND POSSIBLE MOTION TO APPROVE REQUEST BY REVOKEE FOR CERTIFICATE

Fernando Hechavarria - Certificate # 3045 was revoked by Art Commission on February 3, 1992. On June 7, 1993, the full Art Commission approved the Program Committee's recommendation (from May 12, 1993 hearing) that Mr. Hechavarria's current application for certificate be disapproved and that any application for certificate submitted by Mr. Hechavarria be not accepted by the Program prior to six months from the date of the Commission's resolution, and that when such application is reached on the waiting list, such application will be considered by the Program Committee. Mr. Hechavarria's subsequent January 12, 1994 application was reached and his wares were examined by the Advisory Committee of Street Artists and Craftsmen Examiners who recommend certification of his beadcraft items. The question on whether Mr. Hechavarria should be certified shall be heard for consideration and action by the Program Committee on this agenda.

VIII ADJOURNMENT

ACCESSIBILITY INFORMATION

**Pursuant to City policy and the requirements of the 1973 Rehabilitation Act and the 1990 Americans with Disabilities Act, all City agencies will make reasonable accommodations to the needs of persons with disabilities.*

Full Commission Meetings, and individual Committee Meetings of the Art Commission will be held at 25 Van Ness Avenue, San Francisco, located on the corner of Oak and Van Ness. All meetings are held in Suite 70, basement level, and can be accessed by the two main elevators in the lobby of the building.

Accessible seating for persons with disabilities, including those in wheelchairs, will be available.

Accessible curbside parking has been designated on Oak Street between Van Ness Avenue and Franklin Street.

Accessible MUNI lines that serve this location are:

J, K, L, M, and N Trains--stopping at Van Ness and Market,
one-half block from the building.
9, 26, and 42 Buses--serving the area of Van Ness and Market.
Civic Center BART, located at the intersection of Grove, Hyde, and Market Streets.
For more information on accessible transit, call (415) 923-6142.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our **accessibility hotline at (415) 554-8925** to discuss meeting accessibility. In order to assist the city's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accomodate these individuals.

American sign language interpreters and/or a sound enhancement system will be available upon request at meetings. Please contact Sonia Gray in the Community Arts and Education Program at (415)554-9671 at least 72 hours prior to meeting. Late requests will be honored if possible.

DOCUMENTS DEPT.
SEP 19 1994
SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO ART COMMISSION

STREET ARTISTS PROGRAM COMMITTEE

NOTE: Change of meeting date

Wednesday, September 28, 1994 - 4:00 p.m.
Art Commission Conference Room
25 Van Ness Avenue, Suite 70 (basement area)

A G E N D A

Note: Public testimony is invited and shall be limited to three (3) minutes per person. No member of the public or witness shall cross-examine another member of the public or witness unless approved by the Program Committee.

I **HEARING ON PROPOSAL BY PROGRAM DIRECTOR FOR BOARD OF SUPERVISORS DESIGNATION OF TEMPORARY SELLING SPACES FOR STREET ARTISTS IN DOWNTOWN AREA FOR CHRISTMAS SEASON, 1994-95; motion to approve proposal**

Program Director's Proposal: The **same spaces** approved by the Board of Supervisors the previous year (Res. No. 875-93); total number requested: 59; duration of temporary usage: November 15, 1994 - January 15, 1995 (the same period designated for the previous four years); in addition, for the third consecutive year, the Street Artists Program to pay for Police officers and van (Special Law Enforcement Services) out of its license fees for the two-week period prior to Christmas to confiscate the merchandise of **unlicensed** vendors and to verify that license street artists are selling in legal spaces.

II **HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE; motion to approve suspensions of certificates**

The following artists were observed on the following dates of summer, 1994, to have allegedly sold their wares in locations not designated by the Board of Supervisors. (The Art Commission's standard penalties for first and second offenses of such violation are three-week and six-week suspensions, respectively, of certificate.)

A. **Ed Brandstetter** (Certif. #2487); 8/4/94; first offense.

B. **Bruce Epstein** (Certif. #3970); 8/4/94; first offense.

C. **Gabriela Galvan** (Certif. #4324); 8/4/94; first offense.

D. **Keith Hillius** (Certif. #3055); 8/4/94; first offense.

E. **Doo Shin** (Certif. #3248); 8/4/94; first offense.

F. **Robert Siu** (Certif. #4361); 8/4/94; first offense.

F(1). Hearing and possible motion to dismiss Robert Siu as alternate member of Lottery Committee.

Continued.....

S|F A|C

PROGRAMS
CIVIC ART COLLECTION
CIVIC DESIGN REVIEW
COMMUNITY ARTS & EDUCATION
POPS SYMPHONY CONCERTS
PUBLIC ART PROGRAM

STREET ARTISTS LICENSES
SUITE 70
415.252.2581

ART COMMISSION GALLERY
155 GROVE STREET
415.554.9682

CITY AND COUNTY OF SAN FRANCISCO

HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE (continued

G. **Mario Hernandez** (Certif. #4412); 8/8/94; first offense.

H. **Sergio Pezzutti** (certif. #4211); 8/8/94; first offense.

I. **Kris Pokorny** (Certif. #3569); 8/8/94; first offense.

J. **Werner Jurgens** (certif. #4433); 8/22/94; first offense.

K. **Jose Da Silva** (Certif. #4450); 8/24/94; first offense.

L. **Sandra Blenio** (Certif. #4294); 8/4/94; 8/8/94; first offens

M. **Phillip Schaffer** (Certif. #4632); 8/4/94; 8/8/94; first offense.

N. **Xiu Juan Ji** (Certif. #4605); 6/26/94; 7/15/94; first offens

O. **Daniel De Guevara** (Certif. #3870); 8/8/94; second offense.

P. **Martin Butschek** (Certif. #3300); 7/1/94; additional charge: conducting business in a hazardous manner; hearing to consider suspension **or** revocation of certificate In its hearings on Martin Butschek's and Gerard Cracas's 8/8/93 Police citation and 8/20/93 Program staff observatio of their selling in non-designated locations, the Art Commi sion considered the two artists' preceding four-year histor of being observed in illegal locations, voted to suspend them for three weeks for the 8/8/93 incident and, in lieu of a further suspension for the 8/20/93 incident, voted to issue them a warning that any future incident of their sell in a non-designated location shall result in suspension **or** revocation of certificate.

Q. **Gerard Cracas** (Certif. # 1908); 7/1/94; additional charge: conducting business in a hazardous manner; hearing to consi suspension **or** revocation of certificate (see above explanat under **Item P., Martin Butschek**).

III **REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE**

A. **Patsy Leal-Snell** - Certif. #4367 expired April 6, 1994; Ms. Leal-Snell's request by telephone was received July 19, 1994; request by letter received September 1, 1994.

IV **ADJOURNMENT**

ACCESSIBILITY INFORMATION

**Pursuant to City policy and the requirements of the 1973 Rehabilitation Act and the 1990 Americans with Disabilities Act, all City agencies will make reasonable accommodations to the needs of persons with disabilities.*

Full Commission Meetings, and individual Committee Meetings of the Art Commission will be held at 25 Van Ness Avenue, San Francisco, located on the corner of Oak and Van Ness. All meetings are held in Suite 70, basement level, and can be accessed by the two main elevators in the lobby of the building.

Accessible seating for persons with disabilities, including those in wheelchairs, will be available.

Accessible curbside parking has been designated on Oak Street between Van Ness Avenue and Franklin Street.

Accessible MUNI lines that serve this location are:

J, K, L, M, and N Trains--stopping at Van Ness and Market,
one-half block from the building.
9, 26, and 42 Buses--serving the area of Van Ness and Market.
Civic Center BART, located at the intersection of Grove, Hyde, and Market Streets.
For more information on accessible transit, call (415) 923-6142.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our **accessibility hotline at (415) 554-8925** to discuss meeting accessibility. In order to assist the city's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accomodate these individuals.

American sign language interpreters and/or a sound enhancement system will be available upon request at meetings. Please contact Sonia Gray in the Community Arts and Education Program at (415)554-9671 at least 72 hours prior to meeting. Late requests will be honored if possible.

S F
A C

SAN FRANCISCO ART COMMISSION

PROGRAMS
CIVIC ART COLLECTION
CIVIC DESIGN REVIEW
COMMUNITY ARTS
& EDUCATION
POPS SYMPHONY CONCERTS
PUBLIC ART PROGRAM

STREET ARTISTS LICENSES
SUITE 70
415.252.2581

ART COMMISSION GALLERY
155 GROVE STREET
415.554.9682

DOCUMENTS DEPT.
OCT 24 1994
SAN FRANCISCO
PUBLIC LIBRARY

STREET ARTISTS PROGRAM COMMITTEE

September 28, 1994
Art Commission Conference Room
25 Van Ness Avenue, Suite 70
San Francisco, California

M I N U T E S

Commissioners present: Terri Simon, Tom Flynn
Commissioner absent: Emily Keeler

Staff present: Director of Street Artists Program Howard Lazar
Certification Clerk Antoinette Worthy

Commissioner Simon, Chair, called the meeting to order at 4:00 p.m. and announced that she was removing Item **F(1)**, "Hearing and possible motion to dismiss Robert Siu as alternate member of Lottery Committee" from the agenda; it would be rescheduled in the future if Mr. Siu were found in violation as per the charge on the current agenda.

I REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. Patsy Leal-Snell - Certificate #4367 expired April 6, 1994; Ms. Leal-Snell's request by telephone was received by the Program on July 19, 1994, and her letter-request was received on September 1, 1994. Commissioner Flynn moved that Ms. Leal-Snell's request for priority be approved; the motion was seconded by Commissioner Simon and unanimously approved.

II HEARING AND POSSIBLE MOTION TO APPROVE PROPOSAL BY PROGRAM DIRECTOR FOR BOARD OF SUPERVISORS DESIGNATION OF TEMPORARY SELLING SPACES FOR STREET ARTISTS IN THE DOWNTOWN AREA FOR CHRISTMAS SEASON, 1994-95

Program Director Lazar proposed the same 59 spaces that had been approved by the Board of Supervisors for the previous two years and the same duration of temporary usage which had been approved for the previous four years: November 15, 1994 to January 15, 1995. In addition, for the third consecutive year, the Street Artists Program would pay (approximately $4,200) out of its license fees for off-duty Police officers and a van during the two-week period prior to Christmas to enforce the street artist ordinance by confiscating the merchandise of unlicensed vendors and by verifying that licensed street artists would be selling in legal spaces.

Mr. Lazar reported on the success of the previous Christmas

CITY AND COUNTY OF
SAN FRANCISCO

enforcement paid for by the Program: the confiscation of over 1,400 illegal items (sweaters, neckties, CDs and tapes, jewelry, perfume, etc.) from the Union Square area - an estimated equivalent of five Police vans each loaded to the ceiling.

This would be the thirteenth consecutive year that the Commission would be proposing Christmas spaces and negotiating with the store merchant groups on behalf of the street artists. Mr. Lazar had notified 21 merchants and building owners in the Downtown-Union Square area of the Program Committee meeting hearing on this year's proposal. Of these, Executive Directors Carolyn Diamond and Edward Lawson of The Market Street Association and Union Square Association, respectively, had given their verbal consent to Mr. Lazar based on the reasons that no new spaces were being proposed and the Art Commission was once again providing for Police enforcement of the ordinance.

Street Artists Nancy Pearlman and Keith Hillius urged that the Street Artists Program not pay for any Police enforcement at any time of the year. Street Artist Larry Rosenbloom expressed the view that Police enforcement was necessary Downtown but not at the Wharf. Street Artist James Millard submitted and read a petition signed by over 100 street artists urging the discontinuation of Christmas Police enforcement because of its "EXTRAVAGANT drain on the already INFLATED Street Artists Program budget of $132,000."

Street Artist Eunice Rodriguez testified that, after 19 years in the Program, she concludes that year-round Police enforcement is necessary not just to curtail the illegal vendors but also because many of the street artists themselves sell in illegal locations, and that she wouldn't mind paying for an increase of $50 a year in her fees if necessary to continue the Police enforcement.

Commissioner Flynn moved that the Program Director's proposal for Board of Supervisors designation of temporary selling spaces for street artists in the Downtown area for Christmas season, 1994-95, be approved; the motion was seconded by Commissioner Simon and unanimously approved.

III **HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE; MOTIONS TO APPROVE SUSPENSIONS OF CERTIFICATE**

The following artists were observed by the Program Director

on the listed dates during summer, 1994, to have allegedly sold their wares in locations not designated by the Board of Supervisors:

A. **Ed Brandstetter** (Certificate #2487); August 4, 1994; first offense. The Program Director submitted a photo he had taken of Mr. Brandstetter and his display of merchandise on Jefferson Street, south side, Hyde to Leavenworth Streets, on August 4th and submitted a copy of the lottery sign-up sheet bearing the names of those artists occupying the legal spaces. Mr. Brandstetter's was not one of the names.

Mr. Brandstetter stated that he would not contest the charge.

Street Artist Kathy Hallinan asked the Commissioners to not "punish" the artists for "trying to survive" since their income was "down 20%" while their attendance at the lotteries for spaces was "up 50%."

Commissioner Simon moved that Ed Brandstetter be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors and that his certificate be suspended for a period of three weeks as per the Commission's standard penalty for first offense of such violation; the motion was seconded by Commissioner Flynn and unanimously approved.

B. **Bruce Epstein** (Certificate #3970); August 4, 1994; first offense. The Program Director submitted a photo he had taken of Mr. Epstein and his display of merchandise on Jefferson Street, south side, Hyde to Leavenworth Streets, on August 4th and submitted a copy of the lottery sign-up sheet bearing the names of those artists occupying the legal spaces on Jefferson Street. Mr. Epstein's was not one of the names.

Mr. Epstein stated that he was signed into space #2 on Hyde Street and showed the Commissioners his name on the sign-up sheet. He said he had been selling in space #2 all day, it had been windy, and he had decided to "take a break" by wheeling his display around the corner to Jefferson Street to talk with artist Richard Blue. He was there for only "five minutes" and talking to Mr. Blue, he said, when the Program Director photographed him.

Commissioner Flynn moved that Mr. Epstein's hearing be continued to another meeting in order to give Mr. Epstein an opportunity to request Richard Blue to appear and testify on his behalf; the motion was seconded by Commissioner Simon and unanimously approved.

C. **Gabriela Galvan** (Certificate #4324); August 4, 1994; first offense. The Program Director submitted a photo he had taken of Ms. Galvan and her display of merchandise on Jefferson Street, south side, Hyde to Leavenworth Streets, on August 4th and submitted a copy of the lottery sign-up sheet bearing the names of those artists occupying the legal spaces. Ms. Galvan's was not one of the names.

Ms. Camille Cook, attorney and interpreter for Ms. Galvan, stated that her client's booth had been covered, there had been no indication that she had been offering to sell, and that, at the time, she was four months pregnant and had been waiting for ten minutes for someone to help her move her display to a Hyde Street space.

Street Artist Robert Siu testified that he was the person who helped Ms. Galvan move her display to Hyde Street. He said that the photo taken by the Program Director shows his truck parked behind Ms. Galvan. He had been unloading his own display, also.

Commissioner Simon noted that the appearance of a witness on Ms. Galvan's behalf counteracted the Program's evidence. Commissioner Simon moved that the charge against Gabriela Galvan of allegedly selling in a location not designated by the Board of Supervisors be dismissed due to a lack of preponderance of evidence; the motion was seconded by Commissioner Flynn and unanmously approved.

D. **Keith Hillius** (Certificate #3055); August 4, 1994; first offense. The Program Director submitted a photo he had taken of Mr. Hillius and his display of merchandise on Jefferson Street, south side, Hyde to Leavenworth Streets, on August 4th and submitted a copy of the lottery sign-up sheet bearing the names of those artists occupying the legal spaces. Mr. Hillius's was not one of the names.

Mr. Hillius stated that the photograph showed he had only a partial amount of his merchandise on the table as he had been in the process of setting up his display to move it to a legal space. He submitted photos of what he said was his display fully set up and presented a map of the direction he took in moving his display.

Commissioner Flynn acknowledged that in the Program Director's photo Mr. Hillius's display appeared to be in the process of being set up. Commissioner Flynn moved that the charge against Keith Hillius of allegedly selling in a location not designated by the Board of Supervisors be dismissed due to a lack of preponderance of evidence; the motion was seconded by Commissioner Simon and unanimously approved.

E. **Doo Shin** (Certificate #3248); August 4, 1994; first offense. The Program Director submitted a photograph he had taken of Mr. Shin and his display of merchandise on Jefferson Street, south side, Hyde to Leavenworth Streets, on August 4th and submitted a copy of the lottery sign-up sheet bearing the names of those artists occupying the legal spaces. Mr. Shin's was not one of the names.

Mr. Shin admitted that he sold that day on Jefferson Street because it was too windy on Hyde Street.

Commissioner Simon moved that Doo Shin be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that his certificate be suspended for a period of three weeks as per the Commission's standard penalty for first offense of such violation.

F. **Robert Siu** (Certificate #4361); August 4, 1994; first offense. The Program Director submitted a photograph he had taken of Mr. Siu and his display of merchandise which he had quickly covered, on Jefferson Street, south side, Hyde to Leavenworth Streets, on August 4th and submitted a copy of the lottery sign-up sheet bearing the names of those artists occupying the legal spaces. Mr. Siu's was not one of the names. The Program Director further stated that Mr. Siu had received a warning from the Program Director on October 21, 1993, when he was observed selling allegedly in a non-designated space on Jefferson Street (former space "J-9"), and this warning had been stated at his hearings with the Art

Commission and the Board of Permit Appeals.

Ms. Camille Cook, attorney for Mr. Siu, stated that her client was not selling that day on Jefferson Street, that he was about to push his display and the display of Gabriela Galvan around the corner to Hyde Street.

Street Artist Gabriela Galvan testified that she had arrived with her display on Jefferson Street three minutes before Mr. Siu arrived; he was, therefore, not selling.

Commissioner Flynn noted that the testimony of a witness counterbalanced the evidence of the Program. Commissioner Flynn moved that the charge against Robert Siu of allegedly selling in a location not designated by the Board of Supervisors be dismissed due to a lack of preponderance of evidence; the motion was seconded by Commissioner Simon and unanimously approved.

G. **Mario Hernandez** (Certificate #4412); August 8, 1994; first offense. The Program Director submitted a photo he had taken of Mr. Hernandez and his display of merchandise on Jefferson Street, south side, Hyde to Leavenworth Streets, on August 8th and stated that he verified the lottery slips of those artists occupying legal spaces (Mr. Hernandez was not one of these people) but was unable to obtain the lottery sign-up sheet itself because it had been taken by lottery worker Michael MacDonald and neither he nor his display could be found. The Program Director also submitted a copy of a Police citation which had been issued to Mr. Hernandez on August 4th for selling in a non-designated location, just four days prior to being photographed by the Program Director in an alleged non-designated location.

Camille Cook, attorney and interpreter for Mr. Hernandez, submitted a letter from a medical doctor on behalf of her client's condition, stated that he had been unable to bear the wind on Hyde Street, where he had been set up in a legal space, and had moved to Jefferson Street; however, she said, he did not offer anything to sell on Jefferson Street. Ms. Cook also stated that her client had a court hearing on October 1st and, for this reason, requested that his Commission hearing be continued.

At this point, Commissioner Simon adjourned the meeting, for an executive session. Afterwards, Commissioner Simon re-convened the meeting.

Commissioner Flynn announced that his Committee wished to undertake a review of the procedure of issuing suspensions for first-time offenses that had not been given warning. The Commissioners asked the Program Director to list as the major item for the next regular meeting scheduled for October 12th a hearing and possible motion to amend the Commission's Hearing Procedure by possible amendment of standard penalties for first-time offenses, and a hearing on developing guidelines for providing warnings and exemptions.

Commissioner Flynn stated that his Committee decided to continue the hearings of those artists who were charged with a first offense and received no warning - **Mario Hernandez, Sergio Pezzutti, Kris Pokorny, Werner Jurgens, Jose Da Silva, Sandra Blenio, and Phillip Schaffer -** as well as the cases recently submitted by the Police - **Paul Mallette, Marshal Brewster, Riccardo Amodei** - and that the hearings of **Ed Brandstetter, Bruce Epstein, and Doo Shin** would also be continued. All of these cases would be scheduled for the regular Committee meeting of November 9th.

In the meantime, the Committee would proceed with the hearings on those artists who had received warnings: **Xiu Juan Ji, Daniel De Guevara, Martin Butschek and Gerard Cracas.**

H. **Xiu Juan Ji**(Certificate #4605); June 26, 1994; July 15, 1994; first offense. The Program Director submitted as evidence (a) a June 26, 1994 Police report describing Ms. Ji's alleged selling adjacent to 19 Jefferson Street, a non-designated location, and (b) a July 15, 1994 report of alleged violation observed by the Program Director and photographs regarding Ms. Ji's alleged selling adjacent to the white zone, a non-designated location, on Jefferson Street, south side, Hyde to Leavenworth Streets.

It was noted that in Ms. Ji's May 11, 1994 hearing before the Program Committe to request priority above the waiting list in the issuance of a certificate, the

Committee had observed that Ms. Ji's file contained reports and photos of Ms. Ji's alleged selling in illegal locations on August 28 and November 30, 1992 and that she had been given warnings on those occasions. The Committee had recommended that she be given priority issuance of certificate with a warning that any further incident of her alleged selling in an illegal location would result in a hearing to suspend her certificate. Ms. Ji had received this warning, after examining the reports and photos, as translated to her by Street Artist Ching Sun who had told the Commissioners that Ms. Ji understood the warning. The alleged incident now reported by the Police on June 26, 1994, occurred just twenty days after the full Art Commission had voted to grant Ms. Ji a priority certificate.

Officer Adene Baca testified to having issued the June 26th citation and report after having witnessed a customer purchasing pictures from Ms. Ji in the non-designated location. After citing her, the officer said she observed her selling again in the same area.

Ms. Ji stated (as translated by the Chinese Culture Center's Julie Cheung) that she admitted to the June 26th report but that she sold in the location described in the July 15th report because it was 6:00 p.m. and there were not any people around.

The Committee noted that the Program Director's report said that the time was 4:15 p.m., and that the photos showed a significant group of people watching Ms. Ji draw the portrait of her customer adjacent to the white zone.

Commissioner Simon moved that Xiu Juan Ji be found in violation of the street artist ordinance for selling in locations not designated by the Board of Supervisors, and that her certificate be suspended for a period of three weeks; the motion was seconded by Commissioner Flynn and unanimously approved.

I. **Daniel De Guevara** (Certificate #3870); August 8, 1994; second offense. The Program Director submitted a photo he had taken of Mr. De Guevara and his display of merchandise on Jefferson Street, south side, Hyde to Leavenworth Streets, on August 8th and testified to having seen the lottery slips of the artists occupying the

legal spaces, and Mr. De Guevara was not one of these. Furthermore, the Program Director had photographed Mr. De Guevara in an illegal location on March 17, 1994, and had sent him a written warning reminding him that he had already served a three-week suspension for having sold illegally the previous year and that a further incident could warrant a six-week suspension for a second offense.

Attorney Camille Cook stated that her client, Mr. De Guevara, admitted to having sold in a non-designated location on August 8th and requested that his six-week suspension be deffered until after the Christmas selling season.

Commissioner Flynn moved that Daniel De Guevara be found in violation of the street artist ordinance, second offense, for selling in a location not designated by the Board of Supervisors, and that his certificate be suspended for a period of six (6) weeks commencing January 16, 1995; the motion was seconded by Commissioner Simon and unanimously approved.

J. **Martin Butschek** (Certificate #3300) and **Gerard Cracas** (Certificate #1908); July 1, 1994; additonal charge: conducting business in a hazardous manner. It was noted that in its previous hearings on Mr. Butschek's and Mr. Cracas's August 8, 1993 Police citation and August 20, 1993 Program staff observation of their selling in non-designated locations, the Art Commission had considered the two artists' preceding four-year history of being in illegal locations, had voted to suspend their certificates for three weeks for the 8/8/93 incident, and, in lieu of an additional suspension for the 8/20/93 incident, had voted to issue them a warning that any future incident of their selling in a non-designated location would result is suspension or revocation.

The Program Director stated that on July 1, 1994 he and the Program's Certification Clerk, Antoinette Worthy, had observed Mr. Butschek and Mr. Cracas with their dsplay set up in the same non-designated area - the northeast corner of Jefferson Street, at Leavenworth Street - for which the two artists had been cited by Police the year before on August 8, 1994.

Program Certification Clerk Antoinette Worthy testified that On July 1st the Program Director and she had arrived

at the Wharf after monitoring the artists Downtown, and that she took photos of the display of Messrs Butschek and Cracas enveloping the pole of a stop sign with the two artists beside it. She further stated that as soon as they saw her taking the photos, the two artists dismantled the display and moved to the adjacent legal spaces. Not only had their display been in an illegal location but it posed as a hazard next to a zone that was both a yellow (loading) zone and a bus stop as well as being adjacent to a crosswalk.

Mr. Butschek stated presented photos which, he said, showed the sidewalk torn up for underground construction which had been three feet away from the two legal spaces which, he said, had been occupied by he and Mr. Cracas. Because this obstruction had restricted foot traffic, they had decided to move nearby.

Program Director Lazar stated that, in their consideration of the pedestrians' welfare, the two artists had broken four public safety regulations when they moved and wrapped their display around the stop sign: the regulations that prohibit street artists from selling in a bus zone, selling in a yellow zone, selling within five feet of a crosswalk, and selling in a non-designated location. He presented a diagram of the corner.

Mr. Cracas submitted his own drawing on the corner and stated that their display was not a threat to safety because the buses never pull up to the curb but load passengers thirteen feet away. Furthermore, he and Mr. Butschek moved to the location to create "an openness" and not to add to the congestion created by the sidewalk obstruction

Commissioner Flynn moved that Martin Butschek and Gerard Cracas be found to have occupied a selling location not designated by the Board of Supervisors and to have not displayed due diligence in informing the Street Artists Program office of their moving into a non-designated location due to conditions beyond their control, and that they be warned against conducting business in a way that is potentially hazardous to pedestrians; the motion was seconded by Commissioner Simon and unanmously approved.

The Commissioners further clarified that while this incident would not be counted as a violation of the ordinance, if in the future either of the artists were found selling in a non-designated location, the new incident would be considered as a second offense.

The Commissioners expressed their interest in seeing that the Street Artists Liaison Committee discuss and submit recommendations for guidelines on what would be considered "due diligence" in informing the Program office of obstructions adjacent to selling locations.

The meeting adjourned at 6:50 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program

SAN FRANCISCO ART COMMISSION

PROGRAMS
Civic Art Collection
Civic Design Review
Community Arts & Education
PS Symphony Concerts
Public Art Program

Street Artists Licenses
Suite 70
415.252.2581

rt Commission Gallery
155 Grove Street
415.554.9682

DOCUMENTS DEPT.
OCT 7 1994
SAN FRANCISCO
PUBLIC LIBRARY

STREET ARTISTS PROGRAM COMMITTEE

NOTE: Change of Meeting Time

Wednesday, October 12, 1994 - 3:00 p.m.
Art Commission Conference Room
25 Van Ness Avenue, Suite 70 (basement area)
San Francisco, California

A G E N D A

Note: Public testimony is invited and shall be limited to three (3) minutes per person. No member of the public or witness shall cross-examine another member of the public or witness unless approved by the Program Committee.

I **HEARING AND POSSIBLE MOTION TO AMEND ART COMMISSION HEARING PROCEDURE OF STREET ARTIST VIOLATIONS BY POSSIBLE AMENDMENT OF STANDARD PENALTIES FOR FIRST-TIME OFFENSES; HEARING TO DEVELOP AND POSSIBLE MOTION TO APPROVE GUIDELINES FOR PROVIDING WARNINGS AND EXEMPTIONS**

II **REQUEST BY FORMER CERTIFICATE-HOLDER FOR PRIORITY IN ISSUANCE OF CERTIFICATE**

A. **Anastacio Chico Chico - Certificate #4439** expired February 28, 1994; request for priority received by Program on September 30, 1994.

B. **Lucinda Page - Certificate #4498** expired March 21, 1994; request for priority received by Program on October 3, 1994.

III **ADJOURNMENT**

City and County of San Francisco

25 Van Ness Ave. Suite 240. San Francisco, CA. 94102 tel. 415.252.2590 fax 415.252.2595

ACCESSIBILITY INFORMATION

**Pursuant to City policy and the requirements of the 1973 Rehabilitation Act and the 1990 Americans with Disabilities Act, all City agencies will make reasonable accommodations to the needs of persons with disabilities.*

Full Commission Meetings, and individual Committee Meetings of the Art Commission will be held at 25 Van Ness Avenue, San Francisco, located on the corner of Oak and Van Ness. All meetings are held in Suite 70, basement level, and can be accessed by the two main elevators in the lobby of the building.

Accessible seating for persons with disabilities, including those in wheelchairs, will be available.

Accessible curbside parking has been designated on Oak Street between Van Ness Avenue and Franklin Street.

Accessible MUNI lines that serve this location are:

J, K, L, M, and N Trains--stopping at Van Ness and Market,
one-half block from the building.
9, 26, and 42 Buses--serving the area of Van Ness and Market.
Civic Center BART, located at the intersection of Grove, Hyde, and Market Streets.
For more information on accessible transit, call (415) 923-6142.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our **accessibility hotline at (415) 554-8925** to discuss meeting accessibility. In order to assist the city's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accomodate these individuals.

American sign language interpreters and/or a sound enhancement system will be available upon request at meetings. Please contact Sonia Gray in the Community Arts and Education Program at (415)554-9671 at least 72 hours prior to meeting. Late requests will be honored if possible.

F
0.75
1
12/94

S F
A C

SAN FRANCISCO ART COMMISSION

PROGRAMS
CIVIC ART COLLECTION
CIVIC DESIGN REVIEW
COMMUNITY ARTS
& EDUCATION
POPS SYMPHONY CONCERTS
PUBLIC ART PROGRAM

STREET ARTISTS LICENSES
SUITE 70
415.252.2581

ART COMMISSION GALLERY
155 GROVE STREET
415.554.9682

DOCUMENTS DEPT.
NOV 7 1994
SAN FRANCISCO
PUBLIC LIBRARY

STREET ARTISTS PROGRAM COMMITTEE

October 12, 1994
Art Commission Conference Room
25 Van Ness Avenue, Suite 70
San Francisco, California

M I N U T E S

Commissioners present: Terri Simon, Tom Flynn, Emily Keeler

Staff present: Director of Street Artists Program Howard Lazar
Certification Clerk Antoinette Worthy

Commissioner Simon, Chair, called the meeting to order at 3:00 p.m. and introduced and welcomed Commissioner Keeler to the Committee.

I REQUESTS BY FORMER CERTIFICATE-HOLDERS FOR PRIORITY IN ISSUANCE OF CERTIFICATE

A. **Anastacio Chico Chico - Certificate #4439** expired February 28, 1994; his request for priority was received by the Program on September 30, 1994. Commissioner Flynn moved that Mr. Chico's request for priority issuance be approved with waiver of re-screening of his wares; the motion was seconded by Commissioner Keeler and unanimously approved.

B. **Lucinda Page - Certificate #4498** expired March 21, 1994; her request for priority was received by the Program on October 3, 1994. Commissioner Flynn moved that Ms. Page's request for priority issuance be approved with waiver of re-screeening of her wares; the motion was seconded by Commissioner Simon and unanimously approved.

II HEARING AND POSSIBLE MOTION TO AMEND ART COMMISSION HEARING PROCEDURE OF STREET ARTIST VIOLATIONS BY POSSIBLE AMENDMENT OF STANDARD PENALTIES FOR FIRST TIME OFFENSES; HEARING TO DEVELOP AND POSSIBLE MOTION TO APPROVE GUIDELINES FOR PROVIDING WARNINGS AND EXEMPTIONS

The Commissioners received testimony from the following street artists as to whether or not the Commission's standard penalties should be mitigated for, and whether or not warnings instead of penalties should be given to, street artists who commit first-offense violations of the street artist ordinance: Virginia Burris, Sandra Blenio, Robert Clark, Ray Jones, Eunice Rodriguez, Kathy Hallinan, Larry Rosenbloom, Bruce Epstein, Maria Hillius.

The artists differed in expressing the following views:

CITY AND COUNTY OF
SAN FRANCISCO

- Artists who make the effort to participate each morning in their lottery to obtain selling spaces must compete unfairly with other artists who do not participate and who sell their wares in illegal locations adjacent to the artists in the legal spaces.

- The artists who sell in illegal locations have to do so because they have children to support, and there are not enough prime legal spaces; therefore, the Art Commission should be lenient with these people.

- The Art Commission should maintain its present standard penalties which it adopted a decade ago because (a) under civil law, such penalties are not punishment but a means of keeping the street artist "profession" clean by protecting the integrity of the Program and the artists who do not break the rules; (b) many of the law-abiding artists also have children; and (c) the present penalties represent a reduction of previous penalties due to lengthy hearings between the Commissioners and the street artists ten years ago.

- All street artists know the rules about where they can sell and also know that the penalty for selling in an illegal location is a three-week suspension of certificate; since this knowledge has not deterred those who choose to violate, how would a lesser penalty or a warning in lieu of the known penalty deter illegal selling?

- Some street artists who uphold the law have been blamed for the Program's recent crackdowns and have, on five occasions, received threats against their property and physical being.

- If anything, the standard penalties should be <u>increased</u> to three months instead of three weeks for a first offense and six months instead of six weeks for a second offense.

- Street artists who receive suspensions always have the option to sell in Bay Area flea markets and fairs during their suspension period.

- A warning or reprimand will not teach violators a lesson because it will not give them value for their Program. It's a good Program and it should enforce its rules.

- It's harder and harder to work legally within the system

because the artists' lottery size has increased 50% while some artists' income is down 50% from what it was ten years ago, due to the economy.

- The penalties should remain harsh for those who cheat the lottery system because such cheating circumvents another artist's obtaining a space; but the penalties should be mitigated for artists who sell in illegal locations because such practice does not keep another artist from selling.

- The Commission's conviction rate should be higher, and the Program Director's word should be considered as weightier evidence over a street artist defendant's word.

- If street artists did not sell in the vacant illegal areas of Jefferson Street, such areas would fill up, as they do, with unlicensed vendors.

- The store merchants have not objected to the artists selling in the illegal areas of Jefferson Street.

- The Art Commission should slow down its rate of screening new licenseholders because the current number of licenseholders is down to 430 while the largest recent lottery size was 215; whereas three years ago the Program had 600 artists but the lottery size averaged 180.

- Even if it were legal to do so, the Commission's deliberate reduction of licenseholders would not lessen the current number of artists who choose to be in the lotteries.

- To alleviate the artists' "crunch" for spaces, the Commission adopted a "buddy system" to enable artists to share a space and also invited artists to propose Saturday selling locations for which the Commission could negotiate with the merchants and submit to the Board of Supervisors.

- The artists who sell illegally on Jefferson Street siphon off the tourist money that would have come up to Beach Street where the artists sell in legal spaces.

- There are always legal spaces in which the artists may sell; many artists choose, instead, to habitually sell in illegal locations which are more profitable.

- The Program Director's efforts in enforcing the ordinance should be supported, since the Police have demonstrated they they do not enforce the ordinance unless hired by the Street Artists Program to do so.

- The Commission should exercise discernment in considering first-time offenders versus multiple-incident offenders: the Commission should "use its heart" by giving warnings or lesser penalties to first-timers.

- The three-week suspension should be reduced to one week.

- The Commission should not make its decisions in violation hearings based on whether or not the violator has children or based on other sympathetic views; the standard penalties should be maintained so people will know what can happen to them if they violate the regulations.

Program Director Lazar clarified that one of the major reasons for the Commission's adopting standard penalties was the artists' accusations that, until then, the Commission had not acted consistently in its levying of penalties for the same offenses. Furthermore, the City Attorney had clarified that the Commission, in its consideration of any violation case, is not bound by its standard penalties: it has the authority to mitigate or increase the penalty. The Program Director urged that the standard penalties be maintained because the Commission has been entrusted by the voters to administer street artist regulations that are for the public safety - the very public who has allowed the artists to use its sidewalks.

The Commissioners chose to not amend the current standard penalties nor to adopt guidelines for providing warnings. Commissioner Simon stated that her Committee would continue to consider each case on its own merit and would choose to impose a warning or a standard penalty. The Commissioner further stated that the Committee would not insist that the Program Director give a warning to every violator, that the Program Director should continue to use discretion in giving a warning. Commissioner Flynn stated that to add a formal warning to the hearing procedure would not add strength to the enforcement but would prolong the process; and the Committee could not turn a blind eye to repeated violators, many of whom may be in financial need.

The meeting adjourned at 5:17 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar, Director
Street Artists Program

ACCESSIBILITY INFORMATION

**Pursuant to City policy and the requirements of the 1973 Rehabilitation Act and the 1990 Americans with Disabilities Act, all City agencies will make reasonable accommodations to the needs of persons with disabilities.*

Full Commission Meetings, and individual Committee Meetings of the Art Commission will be held at 25 Van Ness Avenue, San Francisco, located on the corner of Oak and Van Ness. All meetings are held in Suite 70, basement level, and can be accessed by the two main elevators in the lobby of the building.

Accessible seating for persons with disabilities, including those in wheelchairs, will be available.

Accessible curbside parking has been designated on Oak Street between Van Ness Avenue and Franklin Street.

Accessible MUNI lines that serve this location are:

J, K, L, M, and N Trains--stopping at Van Ness and Market, one-half block from the building.

9, 26, and 42 Buses--serving the area of Van Ness and Market.

Civic Center BART, located at the intersection of Grove, Hyde, and Market Streets.

For more information on accessible transit, call (415) 923-6142.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our **accessibility hotline at (415) 554-8925** to discuss meeting accessibility. In order to assist the city's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accomodate these individuals.

American sign language interpreters and/or a sound enhancement system will be available upon request at meetings. Please contact Sonia Gray in the Community Arts and Education Program at (415)554-9671 at least 72 hours prior to meeting. Late requests will be honored if possible.

S F
A C

SAN FRANCISCO ART COMMISSION

PROGRAMS
CIVIC ART COLLECTION
CIVIC DESIGN REVIEW
COMMUNITY ARTS
& EDUCATION
POPS SYMPHONY CONCERTS
PUBLIC ART PROGRAM

STREET ARTISTS LICENSES
SUITE 70
415.252.2581

ART COMMISSION GALLERY
155 GROVE STREET
415.554.9682

STREET ARTISTS PROGRAM COMMITTEE

NOTE: New Time

Wednesday, November 9, 1994 - 3:00 p.m.
Art Commission Conference Room
25 Van Ness Avenue, Suite 70 (basement area)
San Francisco, California

A G E N D A

Note: Public testimony is invited and shall be limited to three (3) minutes per person. No member of the public or witness shall cross-examine another member of the public or witness unless approved by the Program Committee.

I MOTION TO APPROVE RECOMMENDATION FROM STREET ARTIST LIAISON COMMITTEE THAT PROGRAM DIRECTOR REQUEST CLARIFICATION FROM CITY ATTORNEY AS TO WHETHER STREET ARTISTS PROGRAM HAS AUTHORITY TO CERTIFY "HAIR-WRAPPING" AS AN ART OR CRAFT ITEM UNDER ORD. 41-83 (STREET ARTIST ORDINANCE)

II HEARING AND POSSIBLE MOTION TO APPROVE RULE PROVIDING FOR A CHAIR FOR A STREET ARTIST'S CUSTOMER TO BE INCLUDED IN THE DISPLAY SIZE DIMENSIONS (3' x 4' x 5')

III HEARING AND POSSIBLE MOTION TO AMEND SPACE-SHARING "BUDDY" SYSTEM BY PROHIBITING PORTRAIT ARTISTS, CARICATURISTS, AND "FUN-SKETCHERS" FROM SPACE-SHARING

4:00 p.m. IV HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE; MOTION TO APPROVE SUSPENSIONS OF CERTIFICATE

The following street artists were observed on the following dates of summer, 1994, to have allegedly sold their wares in locations not designated by the Board of Supervisors:

A. **Ed Brandstetter** (Certif. #2487); 8/4/94; 1st offense (hearing continued from 9/28/94)

B. **Bruce Epstein** (Certif. #3970); 8/4/94; 1st offense (hearing continued from 9/28/94)

C. **Doo Shin** (Certif. #3248); 8/4/94; 1st offense (hearing continued from 9/28/94)

D. **Mario Hernandez** (Certif. #4412); 8/8/94; 1st offense (hearing continued from 9/28/94)

E. **Sergio Pezzutti** (Certif. #4211); 8/8/94; 1st offense

F. **Kris Pokorny** (Certif. #3569); 8/8/94; 1st offense

DOCUMENTS DEPT.
NOV 7 1994
SAN FRANCISCO
PUBLIC LIBRARY

CITY AND COUNTY OF
SAN FRANCISCO

Continued.....

G. **Werner Jurgens** (Certif. #4433); 8/22/94; 1st offense

H. **Jose Da Silva** (Certif. #4450); 8/24/94; 1st offense

I. **Sandra Blenio** (Certif. #4294); 8/4/94; 8/8/94; 1st offense

J. **Phillip Schaffer** (Certif. #4632); 8/4/94; 8/8/94; 1st offense

K. **Riccardo Amodei** (Certificate #2396); 8/14/94; 1st offense.

L. **Marshal Brewster** (certificate #26); 8/20/94; 1st offense.

M. **Paul Mallette** (Certificate #3793); 9/5/94; 1st offense.

V **ADJOURNMENT**

ACCESSIBILITY INFORMATION

**Pursuant to City policy and the requirements of the 1973 Rehabilitation Act and the 1990 Americans with Disabilities Act, all City agencies will make reasonable accommodations to the needs of persons with disabilities.*

Full Commission Meetings, and individual Committee Meetings of the Art Commission will be held at 25 Van Ness Avenue, San Francisco, located on the corner of Oak and Van Ness. All meetings are held in Suite 70, basement level, and can be accessed by the two main elevators in the lobby of the building.

Accessible seating for persons with disabilities, including those in wheelchairs, will be available.

Accessible curbside parking has been designated on Oak Street between Van Ness Avenue and Franklin Street.

Accessible MUNI lines that serve this location are:

J, K, L, M, and N Trains--stopping at Van Ness and Market,
one-half block from the building.
9, 26, and 42 Buses--serving the area of Van Ness and Market.
Civic Center BART, located at the intersection of Grove, Hyde, and Market Streets.
For more information on accessible transit, call (415) 923-6142.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our **accessibility hotline** at (415)554-8925 to discuss meeting accessibility. In order to assist the city's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the city to accommodate these individuals.

American sign language interpreters and/or a sound enhancement system will be available upon request at meetings. Please contact Sonia Gray in the Community Arts and Education Program at (415)252-2596 at least 72 hours prior to meeting. Late requests will be honored if possible.

10.75

SAN FRANCISCO ART COMMISSION

PROGRAMS
CIVIC ART COLLECTION
CIVIC DESIGN REVIEW
COMMUNITY ARTS & EDUCATION
POPS SYMPHONY CONCERTS
PUBLIC ART PROGRAM

STREET ARTISTS LICENSES
SUITE 70
415.252.2581

ART COMMISSION GALLERY
155 GROVE STREET
415.554.9682

DOCUMENTS DEPT.
NOV 28 1994
SAN FRANCISCO PUBLIC LIBRARY

STREET ARTISTS PROGRAM COMMITTEE

November 9, 1994
Art Commission Conference Room
25 Van Ness Avenue, Suite 70
San Francisco, California

M I N U T E S

Commissioners present: Terri Simon, Emily Keeler

Commissioner absent: Tom Flynn

Staff present: Director of Street Artists Program Howard Lazar
Certification Clerk Antoinette Worthy

Commissioner Simon, Chair, called the meeting to order at 3:05 p.m.

I MOTION TO APPROVE RECOMMENDATION FROM STREET ARTISTS LIAISON COMMITTEE THAT PROGRAM DIRECTOR REQUEST CLARIFICATION FROM CITY ATTORNEY AS TO WHETHER STREET ARTISTS PROGRAM HAS AUTHORITY TO CERTIFY "HAIR-WRAPPING" AS AN ART OR CRAFT ITEM UNDER ORD. 41-83 (STREET ARTIST ORDINANCE)

Program Director Lazar reported that unlicensed individuals have been observed for the past year adjacent to street artist locations at Fisherman's Wharf to be wrapping threads in the hair of customers who pay the individuals for this service. A letter from a "hair-wrapper" named Donna Eaton had been received, requesting the Art Commission to consider licensing this activity as an "art form" in the Street Artists Program. The street artists of the Street Artists Liaison Committee had, at a recent meeting, expressed endorsement of the request and voted to recommend that the Program Director seek clarification from the City Attorney as to whether this "art form" would qualify under the street artist ordinance for certification.

Street Artist Gerard Cracas told the Commissioners that this issue was settled in San Diego and Key West: "hair-wrappers" have to get cosmetology licenses in those cities.

Commissioner Keeler moved that the Program Director request City Attorney clarification; the motion was seconded by Commissioner Simon and unanimously approved.

II HEARING AND POSSIBLE MOTION TO APPROVE RULE PROVIDING FOR A CHAIR FOR A STREET ARTIST'S CUSTOMER TO BE INCLUDED IN THE DISPLAY SIZE DIMENSIONS (3' x 4' x 5')

CITY AND COUNTY OF SAN FRANCISCO

III HEARING AND POSSIBLE MOTION TO AMEND SPACE-SHARING "BUDDY"

SYSTEM BY PROHIBITING PORTRAIT ARTISTS, CARICATURISTS, AND "FUN-SKETCHERS" FROM SPACE-SHARING

The Commissioners chose to hear the above two interrelated items simultaneously. The Program Director stated that the issues came to him in the form of a complaint by one artist against two caricaturists who allegedly had shared a selling space, exceeded the dimensions of the space by providing chairs for themselves and their customers, and allowed the crowd that gathered to watch them draw disturb the business activity of the adjacent artist. The Commissioners received the following differing testimony on the issues by the following artists (caricaturists and non-caricaturists): Robert Clark, William Clark, Barry "Lefty" Prager, Ray Jones, Virginia Burris, Viva Brandau-Amzil, Joven Kerekes, Drew Flores, Gerard "Pepper" Cracas, Martin Butschek, and Bruce Epstein:

- One type of artist (portrait artist, caricaturist) cannot be eliminated from Commission's adopted policy of allowing artists to share spaces, due to equal protection of the law.

- The display being shared by two artists must be within the 3' x 4' x 5' regulations and not be two displays joined together, as some artists have tried to do.

- Unlike the view expressed in the complaint, some of the best business days enjoyed by a non-portrait artist were because of the crowd engendered by adjacent portrait artists.

- Visitors to the Wharf want to be entertained; artists who attract happy customers who buy create a climate beneficial for all artists and store merchants.

- Many artists have their display spread out beyond the boundaries, including the bags of merchandise of the person who submitted the complaint (as shown allegedly in a photo submitted to the Commissioners).

- Any conscientious portrait artist can angle his/her display so their crowd won't interfere with other artists.

- While portrait artists, like all street artists, should not be required to have their own chairs within the prescribed dimensions, portrait artists should be required to have their customers' chairs within the dimensions.

- Most portrait artists comply when other artists ask them to control their crowd.

- A portrait artist cannot draw his customer when the customer is sharing the 3' x 4' space dimnensions with the artist, as the artist requires some distance to observe and draw the features.

- The two artists of the complaint have created a display more in compliance with the regulations.

Commissioner Keeler stated that, by and large, the way the caricaturists and portrait artists have been conducting their business is the way the Commission would like them to continue, but the Commissioners stand ready to hear any case of complaint regarding excessive, improper, disorderly or hazardous conduct of business. Commissioner Simon concurred and stated that if the Commission were to receive many such complaints, the Commissioners would consider adopting further restrictions.

IV HEARINGS ON ALLEGED VIOLATIONS OF STREET ARTIST ORDINANCE; MOTION TO APPROVE SUSPENSIONS OF CERTIFICATE

A. Bruce Epstein (Certificate #3970); alleged violation August 4, 1994: selling in a location not designated by Board of Supervisors (Beach St., south side, Hyde to Jefferson Streets); hearing continued from September 28th. The Program Director had notified Street Artist Richard Blue to give testimony, as had been requested by Mr. Epstein, that Mr. Epstein had allegedly wheeled his display out of his legal space on Hyde Street to Jefferson Street in order to have a chat with Mr. Blue and not to sell there. Mr. Blue was not present.

Mr. Epstein stated that when he moved his display, he did not have a cover to place over the merchandise. He submitted a letter on his behalf allegedly signed by Mr. Blue. Street Artist Charles Strobino testified that Mr. Epstein had been occupying a legal space near him on Hyde Street.

Program Director Lazar informed the Committee that the City Attorney's office had clarified that a letter without the support of its author's testimony at a hearing would be considered heresay because the Program would be deprived of cross-examination. Secondly, it did not matter whether an artist were signed into a

legal space; if he exposed his items in an illegal space he was in violation: Section 7(b) of the street artist ordinance prohibits any street artist "to sell, offer for sale" or "expose" (emphasis added) "for sale ... any art or craft work of the person's own creation on any public street or public place where such activities are not permitted ..."

In response to a question put forth by Mr. Lazar, Mr. Epstein said that he couldn't recall whether he was standing with his display to the west or to the east of Mr. Blue when he chose to converse with him on that day. Mr. Lazar told the Committee that Mr. Blue, according to the sign-up sheet, was in the first space on Jefferson Street which would have prohibited any room for another artist and his display to be west of him, and that the photograph of the alleged violation showed Mr. Epstein facing eastward, away from - and not conversing with - Mr. Blue. The photo showed Mr. Epstein behind his display of fully exposed jewelry.

Commissioner Simon moved that Bruce Epstein be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Mr. Epstein's certificate be suspended for a period of three weeks (deffered until after the holiday selling season), commencing January 16, 1995; the motion was seconded by Commissioner Keeler and unanimously approved.

Mr. Epstein requested that the suspension commence January 2nd. Commissioner Keeler moved that the previous vote be amended to reflect that the three-week suspension of Bruce Epstein's certificate commence January 2, 1995; the motion was seconded by Commissioner Simon and unanmously approved.

B. **Ed Brandstetter** (Certificate #2487); alleged violation August 4, 1994: selling in a location not designated by the Board of Supervisors (Jefferson Street, south side, Hyde to Leavenworth Streets); hearing continued from September 28th. Mr. Brandstetter was not present. The Commissioners reviewed the evidence and minutes of the September 28th hearing in which Mr. Brandstetter had admitted selling in an illegal location on August 4th. Under the Commission's "Hearing Procedure of Street Artist Violations," the Committee acknowledged that an artist's failure to appear for a violation hearing

could result in a Program Committee recommendation of the penalty for the violation of which the artist has been charged. Commissioner Simon moved that Ed Brandstetter be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Mr. Brandstetter's certificate be suspended for a period of three weeks commencing January 16, 1995; the motion was seconded by Commissioner Keeler and unanimously approved.

C. **Doo Shin** (Certificate #3248); alleged violation August 4, 1994 (selling in a location not designated by the Board of Supervisors (Jefferson Street, south side, Hyde to Leavenworth Streets); hearing continued from September 28th. Mr. Shin was not present. The Commissioners reviewed the evidence and the minutes of the September 28th hearing in which Mr. Shin had admitted selling in an illegal location on August 4th. Commissioner Keeler moved that Doo Shin be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Mr. Shin's certificate be suspended for a period of three weeks commencing January 16, 1995; the motion was seconded by Commissioner Simon and unanimously approved.

D. **Mario Hernandez** (Certificate #4412); alleged violation August 8, 1994: selling in a location not designated by the Board of Supervisors (Jefferson Street, south side, Hyde to Leavenworth Streets); hearing continued from September 28th. Mr. Hernandez was not present. The Commissioners reviewed the evidence and the minutes of the September 28th hearing in which Mr. Hernandez's attorney had stated that her client had moved from a legal space on Hyde Street to Jefferson Street because of serious health reasons which make it difficult for him to bear the wind. The Committee also acknowledged a letter from Howard Edelstein, M.D., The Permanente Medical Group, Inc., which described Mr. Hernandez's medical conditions.

Program Director Lazar stated that several years before, when the Street Artists Program was considering granting priority certificates, above the waiting list, to persons with terminal illness or severe health conditions, the City Attorney clarified that the street artist ordinance did not give the Art Commission the authority make such considerations, and that, to do so, the ordinance would

have to be amended by the vote of the people.

Commissioner Simon observed that in the photograph of the alleged violation Mr. Hernandez's merchandise appeared fully on display, a folding chair was open behind the display, and Mr. Hernandez was next to the chair and leaning against a vehicle. Commissioner Simon moved that Mario Hernandez be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Mr. Hernandez's certificate be suspended for a period of three weeks commencing January 16, 1995; the motion was seconded by Commissioner Keeler and unanimously approved.

E. **Sergio Pezzutti** (Certificate #4211); alleged violation August 8, 1994: selling in a location not designated by the Board of Supervisors (Jefferson Street, south side, Hyde to Leavenworth Streets). The Commissioners reviewed the evidence (a photo taken by the Program Director showing Mr. Pezzutti behind his display and a customer looking at the merchandise). Mr. Pezzutti admitted having sold in an illegal location on August 8th and requested that any suspension of his certificate commence on January 2, 1995. Commissioner Keeler moved that Sergio Pezzutti be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Mr. Pezzutti's certificate be suspended for a period of three weeks commencing January 2, 1995; the motion was seconded by Commissioner Simon and unanimously approved.

F. **Kris Pokorny** (Certificate #3569); alleged violation August 8, 1994: selling in a location not designated by the Board of Supervisors (Jefferson Street, south side, Hyde to Leavenworth Streets). Mr. Pokorny was not present. The Commissioners reviewed the evidence (a photo taken by the Program Director of Mr. Pokorny leaning against a vehicle behind his open display, facing the pedestrian thoroughfare). Commissioner Keeler moved that Kris Pokorny be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Mr. Pokorny's certificate be suspended for a period of three weeks commencing January 16, 1995; the motion was seconded by Commissioner Simon and unanimously approved.

G. **Werner Jurgens** (Certificate #4433); alleged violation August 22, 1994: selling in a location not designated

by the Board of Supervisors (Beach Street, north side, Hyde to Leavenworth Streets). Mr. Jurgens was not present. The Commissioners reviewed the evidence (two photographs taken by the Program Director of Mr. Jurgens's watercolor paintings mounted on the black metal door of the Wharfside Building opposite the street artist spaces, just east of space "C-5"). The Program Director testified that all the adjacent spaces were occupied by street artists, and that Mr. Jurgens removed his paintings and left the street after seeing the Director photograph them. Commissioner Keeler moved that Werner Jurgens be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Mr. Jurgens's certificate be suspended for a period of three weeks commencing January 16, 1995; the motion was seconded by Commissioner Simon and unanimously approved.

H. **Jose Da Silva** (Certificate #4450); alleged violation August 24, 1994: selling in a location not designated by the Board of Supervisors: Jefferson Street, south side, Hyde to Leavenworth Streets. Mr. Da Silva was not present. The Commissioners reviewed the evidence (a photograph taken by the Program Director of Mr. Da Silva next to his display which fully exposed his items to the pedestrian thoroughfare). Program Director Lazar testified to having observed Mr. Da Silva in the above illegal location for approximately ten minutes during which time his display was open for business and Mr. Da Silva was watching passersby and intermittently working on a handwoven bracelet (the craft for which he is certified). Commissioner Simon moved that Jose Da Silva be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Mr. Da Silva's certificate be suspended for a period of three weeks commencing January 16, 1995; the motion was seconded by Commissioner Keeler and unanimously approved.

I. **Sandra Blenio** (Certificate #4294); alleged violations August 4 and 8, 1994: selling in locations not designated by the Board of Supervisors (Jefferson Street, south side, Hyde to Leavenworth Streets).Ms. Blenio was not present. The Commissioners reviewed the evidence (photographs taken by the Program Director of Ms. Blenio's display of exposed merchandise in illegal locations on two days, as well as a sign-up sheet and the Program Director's logbook listing those artists

who were in legal locations. Commissioner Keeler moved that Sandra Blenio be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors on two occasions, and that Ms. Blenio's certificate be suspended for a period of three weeks and one day commencing January 16, 1995; the motion was seconded by Commissioner Simon and unanimously approved.

J. **Phillip Schaffer** (Certificate 34632); alleged violations August 4 and 8, 1994: selling in locations not designated by the Board of Supervisors (Jefferson Street, south side, Hyde to Leavenworth Streets). The Commissioners reviewed the evidence (photographs taken by the Program Director of Mr. Scaffer and display in illegal locations on two occasions, as well as a sign-up sheet and the Program Director's logbook listing those artists who were in legal spaces). It was noted that the first incident, August 4th, occurred one day prior to Mr. Schaffer's receiving his street artist certificate, and that this, as stated by Street Artist William Clark, could not be considered as a first offense because he did not have a certificate at the time.

Mr. Schaffer admitted that he had sold in the illegal locations and requested that any suspension he be given commence on January 2, 1995.

Commissioner Simon moved that Phillip Schaffer be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors (August 8th), and that Mr. Schaffer's certificate be suspended for a period of three weeks commencing January 2, 1995; the motion was seconded by Commissioner Keeler and unanimously approved.

K. **Riccardo Amodei** (Certificate #2396); alleged violation August 14, 1994: selling in a location not designated by the Board of Supervisors (2850 Hyde Street, Beach to Jefferson Streets). The Commissioners reviewed the evidence (a copy of the citation and incident report issued by Officer Craig Tom). Officer Craig Tom testified to his report and stated that Mr. Amodei was set up with his display in the mid-block area of Hyde Street, the unmarked area between street artist spaces "H-12" and "H-13," and was selling his leather bracelets. When the officer explained to him that he wasn't in an authorized space, Mr. Amodei told him he chose to

sell there because no one else was there.

Mr. Amodei stated that he told the officer that he was waiting for Street Artist Daniel De Guevara to leave at 1:00 p.m. so that he, Amodei, could occupy his space. All spaces were occupied. As a fifteen-year artist in the Program, he said, he never broke the rules.

Street Artists Ray Jones and Virginia Burris testified to Mr. Amodei's reputation for abiding by the rules.

Commissioner Simon noted that, from the testimony, Mr. Amodei's items were exposed for sale; if he were waiting to move into a space, he should have had the items covered.

Mr. Amodei requested that any suspension he be given commence February 16, 1995.

Commissioner Simon moved that Riccardo Amodei be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Mr. Amodei's certificate be suspended for a period of three weeks commencing February 16, 1995; the motion was seconded by Commissioner Keeler and unanmously approved.

L. **Marshal Brewster** (Certificate #26); alleged violation August 20, 1994: selling in a location not designated by the Board of Supervisors (670 Beach Street). Mr. Brewster was not present. The Commissioners reviewed the evidence (a copy of a citation and incident report issued by Officer Craig Tom). Officer Craig Tom testified to his report: Mr. Brewster told him he was in the process of moving into an authorized space, but the officer had observed him in the illegal location an hour earlier with his display of sweatshirts entirely exposed. Commissioner Simon moved that Marshal Brewster be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Mr. Brewster's certificate be suspended for a period of three weeks commencing January 16, 1995; the motion was seconded by Commissioner Keeler and unanimously approved.

M. **Paul Mallette** (Certificate #3793); alleged violation September 5, 1994 (Labor Day): selling in a location not designated by the Board of Supervisors (Hyde Street,

east side, Beach to Jefferson Streets). Mr. Mallette was not present. The Commissioners reviewed the evidence (a copy of a citation and incident report by Officer Craig Tom). Officer Craig Tom testified to his report: Mr. Mallette was in an unauthorized space and had written the number "12" in chalk on the sidewalk, whereas the official space "12" was twenty feet north of Mr. Mallette.

Commissioner Simon moved that Paul Mallette be found in violation of the street artist ordinance by selling in a location not designated by the Board of Supervisors, and that Mr. Mallette's certificate be suspended for a period of three weeks commencing January 16, 1995; the motion was seconded by Commissioner Keeler and unanimously approved.

The meeting adjourned at 5:00 p.m.

Respectfully submitted:

Howard Lazar

Howard Lazar
Director
Street Artists Program